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W.P.No.28826 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28826 of 2022
and W.M.P.Nos.28108 & 28109 of 2022

Sumathi

.. Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Corporation for Development
of Women Limited,
Annai Teresa Mahalir Valagam,
1st Floor, Valluvarkottam High Road,
Nungambakkam, Chennai – 600 034.
- 2.The District Collector,
Chengalpattu District.
- 3.The Project Director,
Tamil Nadu State Rural Livelihoods Mission (TNSRLM),
(Mahalir Thittam),
District Mission Management Unit (DMMU),
Chengalpattu District.
- 4.The Assistant Project Officer,
Tamil Nadu State Rural Livelihoods Mission (TNSRLM),
(Mahalir Thittam),
District Mission Management Unit (DMMU),
Chengalpattu,
Chengalpattu District.



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5. The Block Development Officer,
Thiruporur Panchayat Union,
Thiruporur Taluk,
Chengalpattu District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records in pursuance of the impugned order of the second respondent passed in his proceedings in Na.Ka.No.156/2021/A1, dated 15.10.2022, quash the same and consequently remand back the matter for conducting de-novo disciplinary proceedings and to pass orders afresh in accordance with law and also direct the second respondent to reinstate the petitioner into service immediately with all attendance and consequential monetary benefits till such time.

For Petitioner : Mr.A. Ramalingam

For Respondents : Mr.P. Balathandayutham,
Government Advocate [R1 to R4]

Ms. Amrita Poongodi Dinakaran,
Standing Counsel [R5]

ORDER

This Writ petition has been filed challenging the impugned termination order dated 15.10.2022, terminating the services of the petitioner.



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2. The petitioner claims that she was working as a Block Mission Manager, which comes within the purview of the Tamil Nadu Corporation for Development of Women Limited. According to her, she has been working since the year 2019. However, according to her, arbitrarily and by violating the principles of natural justice and by not adhering to the procedure established under law, the impugned termination order has been issued on 15.10.2022, terminating the services of the petitioner.

3. A counter affidavit has been filed by the respondents 2 to 4, denying the contentions of the petitioner. They would submit that the petitioner is only a contract worker and further, they would submit that the petitioner has misappropriated funds. A categorical stand has been taken by the respondents that the appointment of the petitioner is purely on temporary basis and therefore, she can be terminated without any notice, if found to be working in violation of any Rules or against the interest of the welfare scheme.

4. Admittedly, no show cause notice was issued to the petitioner prior to passing of the impugned termination order, terminating her services. Though the respondents may contend that the petitioner was appointed only on



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temporary basis and there is no necessity to issue any notice prior to the issuance of a termination order, such a contention cannot be accepted by this Court. Having issued a termination order, terminating the services of the petitioner, the respondents ought to have afforded an opportunity to the petitioner to submit her explanation.

5. If the contention of the respondents that being a contract worker, there was no necessity for them to issue any notice to the petitioner prior to the issuance of termination order, is to be accepted then there was no necessity to issue termination order as well. Under the termination order, all the contentions that have been raised in the counter affidavit filed by the respondents before this Court, are not reflected. When the petitioner is found to have been misappropriated a sum of Rs.1,60,633/- by the respondents, necessarily, the petitioner ought to have been issued with a show cause notice, to enable her to submit her explanation disputing the same. Admittedly, no show cause notice was issued to the petitioner. Therefore, the principles of natural justice has been violated. Further, by a non-speaking order, the services of the petitioner has been terminated under the impugned order dated 15.10.2022.



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6. The learned counsel for the petitioner is also satisfied, if the impugned order is quashed and a direction is issued to the respondents, to issue a show cause notice to the petitioner, to enable her to submit her explanation and thereafter, pass final orders, after giving due consideration to the explanation submitted by the petitioner. He has also submitted on instructions that till final orders are passed, the petitioner shall not make any claim to rejoin duty with the respondents. The said undertaking given by the petitioner through the learned counsel for the petitioner is recorded by this Court.

7. In view of the fact that the impugned order is a non-speaking order and is an order passed by violating the principles of natural justice, the impugned order dated 15.10.2022, is hereby quashed and the second respondent is directed to issue a show cause notice to the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order with regard to the allegations levelled against the petitioner and on receipt of the said show cause notice, the petitioner is directed to submit her explanation, within a period of two (2) weeks thereafter, stating her objections with regard to the allegations levelled against her in the show cause notice by the



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respondents. On receipt of the said reply/explanation from the petitioner, the second respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the explanation submitted by the petitioner, within a period of four (4) weeks thereafter.

8. Accordingly, the Writ Petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

23.11.2022

Speaking/Non-speaking order
Index: Yes/No
Internet: Yes/No

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Note: Issue Order Copy on 24.11.2022



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ABDUL QUDDHOSE,J.

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