



W.P.No.31638 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.31638 of 2022
and WMP.No.31088 of 2022

N.Hamsagiri

.. Petitioner

Vs.

1.The District Collector (PD Section)
Krishnagiri District
Krishnagiri.

2.The Commissioner
Krishnagiri Panchayat Union
Krishnagiri District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the order bearing Na.Ka.No.1480/2019/A1 dated 14.11.2022 of the second respondent and quash the same.

For Petitioner : Mr.K.S.Viswanathan

For Respondents : Mr.P.Gurunathan
Additional Government Pleader for R1
Mr.S.Balamurugan
Government Advocate for R2



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ORDER

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This writ petition has been filed challenging the termination order dated 14.11.2022 issued by the second respondent to the petitioner. Under the impugned termination order, the petitioner who has been serving as Office Assistant in the office of the second respondent has been terminated from service.

2. The petitioner has challenged the impugned order on the ground that it is a non-speaking order and it has been issued by violating the principles of natural justice. The petitioner contends that no show cause notice was issued to him, to enable him to submit his explanation and without issuing the same, the impugned order has been passed.

3. Admittedly as seen from the impugned order, there is no reference to issuance of any show cause notice to the petitioner. The petitioner claims that his service was regularised since 2006, and without adhering to the principles of natural justice, the impugned order has been passed.

4. Since the impugned order does not disclose as to whether



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any show cause has been issued to the petitioner to enable him to submit his explanation with regard to the allegations levelled against him and that too, when the petitioner's service was regularized as early as 2006 itself and he has been continuously working in the said post ever since then, this Court is of the considered view that the impugned order has to be quashed on the ground that the same is a non-speaking order and has been issued by violating the principles of natural justice.

5.The respondents are however granted liberty to issue a show cause notice to the petitioner with regard to the allegations levelled by them against the petitioner and on receipt of the said show cause notice, the petitioner shall be afforded an opportunity of hearing including personal hearing and also an opportunity be given to him to submit his explanation. The respondents are directed to necessarily follow the procedure contemplated for issuing any disciplinary proceedings. Only after following the procedure established under law in initiating the disciplinary proceedings, necessarily the respondents will have to pass final orders against the petitioner.

6. For the foregoing reasons, the impugned order dated



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14.11.2022 is hereby quashed and the writ petition is allowed. The respondents are granted liberty to follow the due procedure established under law for initiating the disciplinary proceedings and only thereafter, the respondents are directed to pass final orders against the petitioner, if at all they desire to remove him from service. Since the impugned order is quashed, the respondents are directed to permit the petitioner to rejoin the duty. No costs. Consequently, connected miscellaneous petition is closed.

25.11.2022

Speaking Order/Non-speaking Order

Index : Yes / No

ds

Note : Upload the order copy on 28.11.2022

To:

1.The District Collector (PD Section)

Krishnagiri District

Krishnagiri.

2.The Commissioner

Krishnagiri Panchayat Union

Krishnagiri District.



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ABDUL QUDDHOSE.J.,

ds

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