



W.P.No.33102 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.33102 of 2022
and
W.M.P.No.32508 of 2022

N.Sendhamarai

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The Commissioner,
Adi Dravidar Welfare Department,
Chepauk, Chennai - 600 005.
3. The Director,
Tribal Welfare Department,
Chepauk, Chennai - 600 005.
4. The Collector,
Dharmapuri District,
Dharmapuri.
5. The District Adi Dravidar Welfare Officer,
Dharmapuri District,
Dharmapuri.



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6. The Project Officer,
Tribal Welfare Department,
Dharmapuri District,
Dharmapuri.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call the records relating to the impugned order issued by the 4th respondent in Na.Ka.No.6892/2022/Ko2 dated 22.07.2022 and to quash the same and consequently directing the respondents to allow the petitioner to continue to work in the post of Cook based on the order of appointment issued by the 5th respondent dated 18.02.2021.

For Petitioner : Mr.G.Sankaran

For R1 to R6 : Mr.R.U.Dinesh Rajkumar
Standing Counsel

ORDER

The petitioner has challenged the termination order dated 22.07.2022 issued by the 4th respondent under which the petitioner has been terminated from service.



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2. The petitioner claims that she was appointed as a Cook on 18.02.2021. According to her, arbitrarily and illegally without affording a fair hearing to her, she has been terminated from service under the impugned order dated 22.07.2022.

3. Similarly, placed Cooks who were also issued termination orders had approached this Court in a batch of Writ Petitions in W.P. Nos.23381 of 2022, etc., batch. In the said batch of Writ Petitions, by order dated 10.11.2022, the impugned termination orders were quashed and the matters were remanded back to the respondents for fresh consideration on merits and in accordance with law. The respondents were directed to issue a fresh show cause notice to each of the petitioners therein and the petitioners therein were also permitted to send their explanation / reply to the said show cause notice and the respondents were directed to pass final orders after affording a fair hearing to each of those petitioners including granting them one personal hearing.

4. Learned counsel for the petitioner submits that since the petitioner is



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similarly placed, the same order needs to be passed in favour of this Petitioner also. Since, the similarly placed persons have been benefited from the common order dated 10.11.2022 passed in W.P.Nos.23381 of 2022, etc., batch referred to supra, this Court is of the considered view that the same common order shall enure to the benefit of this petitioner also.

5. Accordingly, the impugned order dated 22.07.2022 passed by the fourth respondent, terminating the service of the petitioner as a Cook is hereby quashed and the Writ Petition is allowed and the matter is remanded back to the respondents for fresh consideration on merits and in accordance with law.

6. In the result, without going into the merits of the matter, this Court passes the following directions :

a) The respondents are directed to issue a fresh show cause notice to the petitioner with regard to the termination, within a period of two weeks from the date of receipt of a copy of this order,

b) On receipt of the said show cause notice, the petitioner, if aggrieved by the same shall send a reply stating his objections, within a period of two



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weeks thereafter.

c) On receipt of the reply from the petitioner, the respondents shall afford one personal hearing to the petitioner and shall pass final orders on merits and in accordance with law, after giving due consideration to the objections raised by the petitioner in his reply, within a period of two weeks thereafter.

d) The service of the petitioner, who was in service as a Cook on the date of the passing of the impugned order shall not be disturbed by the respondents till final orders are passed by the respondents.

7. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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