BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.03.2022
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P(MD)Nos.7426, 7429, 7548 and 7554 of 2021
and
W.M.P(MD).Nos.1828, 1829, 1830, 5610, 5615, 5724 and 5729 of 2021

G.Arunachalapandi ... Petitioner in W.P(MD).No.7426 of 2021

G.Esakkiammal ... Petitioner in W.P(MD).No.7429 of 2021

A.Theboral Tamilarasi ... Petitioner in W.P(MD).No.7548 of 2021

M.Saraswathi ... Petitioner in W.P(MD).No.7554 of 2021

versus

1.The Additional Commissioner (Administration),
O/o.The Principal Secretary/Commissioner of
Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai. ...1st Respondent in all WP's

2.The Joint Commissioner (ST),
Thirunelveli State Tax Division,
Commercial Taxes Buildings,
Reserve Line Road,
Palayamkottai,
Thirunelveli. ...II Respondents in WP(MD).
Nos.7426,7429 and 7554 of 2021

3. The Joint Commissioner (ST)
Madurai State Tax Division,
Commercial Taxes Buildings,
Dr.Thangrajan Salai,
Madurai. ...II Respondent in WP(MD). 7554/ 2021

Writ Petitions filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records pertaining to the impugned order of the first respondent in Letter No.H3/11277/2018 dated 22.01.2021 and quash the same as illegal and unlawful.

For Petitioner (In all Cases) : M/s.J.Pooventhera Rajan
For Respondents (In all Cases) : Mr.A.K.Manikkam
Special Government Pleader

COMMON ORDER

The grievances of the writ petitioners are that the Special Grade benefits granted to the writ petitioners are sought to be recovered by way of letter dated 22.01.2021, without even issuing a show cause notice and opportunity to the writ petitioners.

2. Though the learned counsel for the writ petitioners made a submission in respect of the merits of the case, this Court is of an opinion that the same ought to be adjudicated by the Competent Authorities only after receiving the explanation / objections from the aggrieved employees. It is an established principle that an order affecting the service rights and conditions of the employees cannot be issued without providing an opportunity to all such employees.

3. In the present case on hand, the respondents are unable to establish that such an opportunity was provided or show cause notice was issued to these writ petitioners and therefore, it is a fit case for remand. Accordingly, the impugned order passed by the first respondent in Letter No.H3/11277/2018 dated 22.01.2021 is quashed.

4. The respondents are directed to issue show cause notice to all the writ petitioners within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show cause notice, the writ petitioners are directed to submit their objections / explanations along with the relevant orders or documents within a period of two weeks from the date of receipt of a copy of the show cause notice thereafter. The Competent Authorities shall consider the records and materials available and accordingly pass order on merits and in accordance with law within a period of twelve weeks thereafter.

5. Accordingly, the writ petitions stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A/Cs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Additional Commissioner (Administration),
O/o.The Principal Secretary/Commissioner of
Commercial Taxes,

Ezhilagam,
Chepauk,
Chennai.

2.The Joint Commissioner (ST),
Thirunelveli State Tax Division,
Commercial Taxes Buildings,
Reserve Line Road,
Palayamkottai,
Thirunelveli.

3. The Joint Commissioner (ST)
Madurai State Tax Division,
Commercial Taxes Buildings,
Dr.Thangrajan Salai,
Madurai.

+1 CC to M/s.SPL GP (SR-9721[F] dated 03/03/2022)

W.P(MD)Nos.7426, 7429, 7548 and 7554 of 2021
and
W.M.P(MD).Nos.1828, 1829, 1830, 5610, 5615, 5724 and 5729 of 2021
02.03.2022

NA(CO)
KB(16.03.2022) 3P 5C