



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.9652 of 2020
and W.M.P. (MD) Nos.8692 and 8693 of 2020

M.Latha

... Petitioner

Vs.

1.The Regional Joint Registrar,
Office of the Joint Registrar,
District Collectorate,
Dindigul.

2.The President,
A1541, Periyakalaiyamputhur,
Primary Agricultural Co-operative Credit Society,
Palani, Dindigul District. ... Respondents

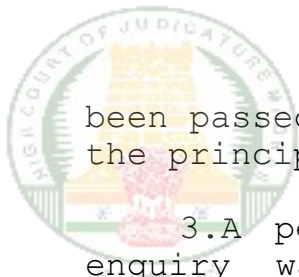
PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the second respondent in Na.Ka.No.1/2020, O.Na., dated 28.07.2020 and quash the same as illegal and in consequence thereof direct the respondents to reinstate the petitioner in service with all service benefits.

For Petitioner : Mr.B.Sekar for
M/s.P.Ganapathi Subramanian
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2.The petitioner herein was appointed as a Sales Woman in the second respondent's society, in the year 2019 on Compassionate grounds. On certain grounds of insubordination, charges came to be levelled against the petitioner herein on 30.06.2020. Though an Enquiry Officer was appointed and notice of enquiry was sent to the petitioner, the second respondent herein had cancelled the appointment of the Enquiry Officer on 24.07.2020. Pursuant to the cancellation, the present impugned order dated 28.07.2020, has been passed terminating the petitioner from her service. The main ground raised in the present writ petition is that the impugned order has



been passed without conducting any enquiry, which is in violation of the principles of natural justice.

3.A perusal of the impugned order does not reveal that the enquiry was conducted into the charges levelled against the petitioner. It is also not in dispute that earlier, Enquiry Officer was appointed on 13.07.2020 and withdrawn by the second respondent on 24.07.2020. While that being so, the very manner, in which the impugned order has been passed, without conducting an enquiry, is in violation of the principles of natural justice.

4.The order impugned places reliance on Clause 10(3) of the Special byelaws of the second respondent society. In service jurisprudence when an employee is implicated with certain charges of misconduct, the principles of natural justice requires to be read into the procedure for conduct of disciplinary action. While that being so, the order of termination without conducting any enquiry, would stand vitiated and consequently, the petitioner herein would be entitled to succeed.

5.In the case of **Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya and others**, reported in (2013) 10 SCC 324, the Honourable Supreme Court has held that in all cases of illegal termination, the concerned employee would be entitled for reinstatement with full back wages. Since this Court has found the petitioner's termination to be illegal, the petitioner herein would be entitled for all the service and monetary benefits.

6.In the line with the above findings, the impugned order passed by the second respondent in Na.Ka.No.1/2020, O.Na., dated 28.07.2020 is hereby quashed. The second respondent herein shall pass appropriate orders reinstating the petitioner into services, together with all service and monetary benefits, within a period of two weeks from the date of receipt of a copy of this order.

7.This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

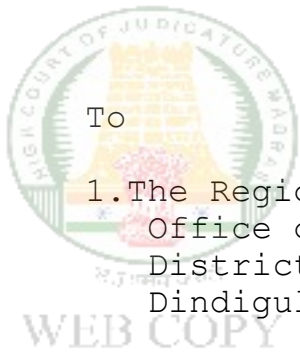
Assistant Registrar (A.D.II)

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/06/2022

Sub Assistant Registrar(CS)

TM



To

1.The Regional Joint Registrar,
Office of the Joint Registrar,
District Collectorate,
Dindigul.

2.The President,
A1541, Periyakalaiyamputhur,
Primary Agricultural Co-operative Credit Society,
Palani, Dindigul District.

+1 CC to M/s.SPL.GP (SR-26180[F] dated 16/06/2022)

W.P. (MD) No.9652 of 2020
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RD(23.06.2022) 3P 4C