



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM :

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P(MD)No.9828 of 2022

and

W.M.P. (MD)Nos.7062 to 7064 of 2022

M.Vinayaga Moorthy

...Petitioner

Vs.

1.The Commissioner,
Adi-Dravidar and Tribal Welfare Department,
Chepauk,
Chennai - 05.

2.The District Collector,
Collectorate,
Tenkasi District.

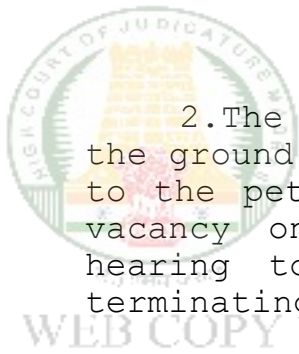
3.The District Adi Dravidar and Tribal Welfare Officer,
Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned termination order in Na.Ka.No.A4/13433/2020, dated 11.05.2022, on the file of the third respondent, quash the same as illegal and consequently, direct the respondents to permit the petitioner to continue his existing post of Cook at Government Adi Dravidar Welfare Boys Hostel, Kadaiyanallur, Tenkasi District, within the time stipulated by this Court.

For Petitioner	:	Mr.I.Pinaygash
For Respondents	:	Mr.A.Kannan Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order dated 11.05.2022, passed by the third respondent, under which, the petitioner's services as Cook in the Adi Dravidar Welfare Department has been terminated.



2.The petitioner has challenged the impugned order primarily on the ground of violation of principles of natural justice. According to the petitioner, he was appointed as a Cook under the permanent vacancy on 25.02.2021 and without affording any opportunity of hearing to the petitioner, the impugned order has been passed terminating his services as a Cook.

3.This Court has perused and examined the impugned order. As seen from the impugned order, no notice has been given to the petitioner before terminating his services. Therefore, this Court is of the considered view that the principles of natural justice has been violated. The termination order has been issued on the ground that the petitioner is overaged. The same is disputed by the petitioner in this Writ Petition. Unless and until the petitioner was afforded an opportunity of hearing, his contentions could not have been considered by the respondents. Without affording any opportunity of hearing to the petitioner with regard to the contentions raised by him in this Writ Petition, the impugned order has been passed. Therefore, it is very clear that principles of natural justice has been violated by the third respondent. Hence, this Court is of the considered view that the impugned order has to be quashed and the matter be remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

4.For the foregoing reasons, the impugned order dated 11.05.2022, passed by the third respondent, terminating the services of the petitioner, is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing. The third respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn2

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Commissioner,
Adi-Dravidar and Tribal Welfare Department,
Chepauk,
Chennai - 05.

2.The District Collector,
Collectorate,
Tenkasi District.

3.The District Adi Dravidar and Tribal Welfare Officer,
Adi Dravidar and Tribal Welfare Officer,
Tirunelveli District.

+1 CC to M/s.I.PINAYAGASH, Advocate (SR-23987[F] dated 20/05/2022)

+1 CC to M/s.SPL.GP (SR-24018[F] dated 23/05/2022)

W.P(MD)No.9828 of 2022

19.05.2022

NSN(CO)

GC(02.06.2022) 3P 6C