



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) Nos. 9968, 9969, 9970 & 9971 of 2022

and

W.M.P. (MD) .No.7109, 7111, 7110 & 7112 of 2022

WEB COPY

M.Chandrasekar	.. Petitioner in W.P.(MD).No.9968 of 2022
M.Kowsalya	.. Petitioner in W.P.(MD).No.9969 of 2022
M.Suresh	.. Petitioner in W.P.(MD).No.9970 of 2022
P.Karikalan	.. Petitioner in W.P.(MD).No.9971 of 2022

Vs

- 1.The District Collector,
Trichy District, Trichy,
- 2.The Commissioner,
Adi-Dravidar Welfare Department,
Chennai-5.
- 3.The District Adi-Dravidar and Tribal Welfare Officer,
Trichy District, Trichy.
- 4.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Thuraiyoor,
Trichy District. .. Respondents in all Writ Petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the first respondent in his proceedings in Se.Mu.Ka.No.W4/11520/2022, dated 29.04.2022 and quash the same as illegal, arbitrary and in violation of principles of natural justice.

For Petitioners	: Mr.B.Saravanan
For Respondents	: Mr.A.Kannan Additional Government Pleader (In all Writ Petitions)

COMMON ORDER

Mr.A.Kannan, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. By consent of parties, the main writ petitions are taken up for final disposal.

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



3. Since the respective petitioners are Cooks, employed by the very same Department, these writ petitions are disposed of by this common order.

4. These writ petitions have been filed challenging the termination order issued against the petitioners who were employed as Cooks. The termination orders have been challenged primarily on the ground of violation of principles of natural justice.

5. According to the petitioners, in the respective show-cause notices issued to them, they have not been informed as to why the said show-cause notices were issued and as to why they have been called upon to come for enquiry. It is also contended by the respective petitioners that they have not been afforded an opportunity to submit their explanations with regard to the allegations as found in the impugned orders. It is also contended by them that the show-cause notices were issued on 30.03.2022 and the impugned orders have been passed immediately thereafter on 29.04.2022. The petitioners have also denied the contentions of the respondents as reflected in the impugned orders.

6. However, the learned Additional Government Pleader appearing for the respondents has placed before this Court the copies of explanations submitted by the respective petitioners, all dated 01.04.2022. He would also submit that the concerned Adi Dravidar Welfare Officer, who had issued the appointment orders in favour of the respective petitioners, has now been suspended from service and Vigilance Proceedings is also pending against him. Further, he would contend that the said Adi Dravidar Welfare Officer, was caught red handed and Rs.40,00,000/- was recovered from him.

7. However, as seen from the show-cause notices dated 30.03.2022, the respective petitioners have not been informed as to why they have to come for enquiry and the reasons for issuance of show-cause notice. The respondents ought to have given the reasons for issuing the show-cause notice to the respective petitioners which was not done as seen from the respective show-cause notices.

8. The learned counsel for the petitioners has contended before this Court that the petitioners were not granted an opportunity to submit their explanation with regard to the allegations found in the impugned order. Further, he would contend that the show-cause notices were dated 30.03.2022 and the respective petitioners were directed to come for enquiry on 01.04.2022, within one day from the date of receipt of the show-cause notices. The impugned orders terminating the services of the respective petitioners have also been passed on 29.04.2022 within one month from the date when the respective petitioners were called for enquiry, which in the



the petitioners to disprove the allegations levelled against them by the respondents.

9. For the foregoing reasons, this Court is of the considered view that the principles of natural justice has been violated. Therefore, without expressing any opinion on the merits of the matter, in view of the fact that the principles of natural justice has been violated, the impugned orders will have to be quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the respective petitioners including granting them the right of personal hearing.

10. In the result, the impugned orders dated 19.04.2022 passed by the first respondent, are hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting them the right of personal hearing. The second respondent is directed to pass final orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

11. These writ petitions are disposed of accordingly. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar (RTI)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

PM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The District Collector,
Trichy District, Trichy,



2.The Commissioner,
Adi-Dravidar Welfare Department,
Chennai-5.

3.The District Adi-Dravidar and Tribal Welfare Officer,
Trichy District, Trichy.

4.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Thuraiyoor, Trichy District.

+4 CC to M/s.B. SARAVANAN, Advocate (SR-24003, 24004, 24005 & 24006
[F] dated 23/05/2022)

+1 CC to M/s.SPL.GP (SR-24061, 24072, 24076 & 24083[F]
dated 23/05/2022)

W.P. (MD) Nos.9968 to 9971 of 2022
20.05.2022

MA (CO)
GC(25.05.2022) 4P 10C