



W.P.No.244 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.244 of 2023 and W.M.P. No.228 of 2023

A.Selvi

... 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

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the fourth respondent in Na.Ka.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 fifth respondent dated 18.02.2021.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Challenging the impugned order passed by the fourth respondent in Na.Ka.6892/2022/Ko2 dated 22.07.2022 and seeking a direction to be issued to the respondents to allow the petitioner to continue to work in the



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post of Cook based on the order of appointment issued by the fifth respondent dated 18.02.2021, this writ petition has been filed.

3.The petitioner has challenged the termination order dated 22.07.2022 issued by the fourth respondent under which the petitioner has been terminated from service. The petitioner claims that she was appointed as a Cook on 09.02.2018. According to her, arbitrarily, illegally and without affording a fair hearing to her, she has been terminated from service under the impugned order dated 22.07.2022.

4.Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5.Earlier, similarly placed persons, who were also Cooks, whose services were terminated in the same manner, had approached this Court by filing writ petition. By an order dated 15.11.2022 passed in a writ petition in



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W.P. No.23664 of 2022, filed by one of the Cooks, namely, V.Indhumathi,

this Court had issued 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 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 if she 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.

6.Since the petitioner is also a similarly placed, the same set of



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directions will have to be issued by this Court in her favour also.

Accordingly, this writ petition is disposed of by issuing 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 her objections, within a period of two 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 her reply, within a period of two weeks thereafter.

d)The service of the petitioner, who if she 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.



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ABDUL QUDDHOSE, J

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Consequently, connected W.M.P. stands closed. No costs.

05.01.2023

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Index:Yes/No

To

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