



WEB COPY



Writ Petition No.5245 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.5245 of 2022
and WMP.Nos.5334 & 5335 of 2022

M.Mahalakshmi
W/o.P.Krishna Murthy

... Petitioner

-Vs-

The Commissioner,
Erode City Municipal Corporation,
Erode District.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the respondent in connection with the order dated 25.01.2022 in Na.Ka.No.C1/3135/2019 passed by the respondent and quash the same as illegal.

For Petitioner	: Mr.S.Sivakumar for S.Lakshmipathy
For Respondent	: Mr.M.Rajamathivanan Standing Counsel



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ORDER

This writ petition has been filed challenging the order of termination dated 25.01.2022, terminating the service of the petitioner, who had been working as Computer Operator on daily wage basis.

2. It is the contention of the petitioner that she was appointed as Computer Operator on consolidated pay (daily wages) in B.P.Agraharam Town Panchayat (Suriyampalayam Town Panchayat) in the year 2012. Thereafter, she was appointed at the respondent office in the year 2015. Thereafter, she had been issued with the impugned order dated 25.01.2022 dismissing her from service on the ground that she has involved in a criminal case along with one Mr.Manikam[A16],who was arrested in a trap case. Therefore the impugned order came to be passed removing the petitioner from service.

3. The learned counsel for the petitioner submits that before passing the impugned order neither an enquiry nor the departmental proceedings has been conducted by the respondent Department by serving notice to the petitioner. The petitioner has not been given an opportunity of being heard before passing the impugned order. Hence,



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the impugned order is liable to be interfered with by this Court and the respondent should be directed to conduct a fresh enquiry by affording an opportunity to the petitioner.

4. Mr.M.Rajamathivanan, learned Standing Counsel appearing for the respondent would submit that the Inspector of Police, Vigilance and Anti corruption Wing has made a detailed enquiry/investigation and sent a report to the Corporation. Hence, the contention of the petitioner that neither an enquiry nor the departmental proceedings was conducted is liable to be rejected. He would further submits that in “Bribe” case, it is needless to issue prior notice. Hence, the impugned order is sustainable.

5. Heard the learned counsel appearing on either side and have perused the materials placed before this Court.

6. Dismissing the service of the petitioner without disciplinary proceedings is unknown to law. Therefore, termination order without any departmental proceedings cannot be sustained in the eye of law.



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7. In such view of the matter, the impugned order is quashed and the matter is remanded back to the respondent for re-consideration. The respondent is directed to proceed with the enquiry in the manner known to law by conducting the proper enquiry after giving an opportunity of being heard to the petitioner and take appropriate action as per law.

With these observations, this writ petition stands allowed. No costs. Connected miscellaneous petitions are closed.

22.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

To

The Commissioner,
Erode City Municipal Corporation,
Erode District.



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N.SATHISH KUMAR, J.

mp

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