



WEB COPY



W.P.No.16715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.16715 and 17342 of 2023
and WMP Nos.15996 and 16479 of 2023

C.Reka ...Petitioner in W.P.No.16715 of 2023

P.Kanimozhi ...Petitioner in W.P.No.17342 of 2023

Vs

1. The Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St.George, Chennai-600 009.
2. The Director of Adi-Dravidar Welfare,
Chepauk, Chennai-5.
3. The District Adi-Dravidar & Tribal Welfare Officer,
Tiruvannamalai District, Tiruvannamalai.
4. The District Tribal Welfare Project Officer,
Tiruvannamalai District, Tiruvannamalai.

...Respondents in both the writ petitions

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 4th respondent in Na.Ka.No.Pa.Me/A1/749/2018-2 and Na.Ka.No.Pa.Me/A1/749/2018-4 dated 14.10.2022 and quash the same and direct the respondents to continue the petitioners in the post of “Cook” with all monetary benefits.



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For Petitioners : Mr.s.Kamadevan

For Respondents : Mr.P.Sanjay Gandhi
Government Advocate

COMMON ORDER

The petitioners were selected as “Cook” in the fourth respondent department on 25.02.2021. The Selection was made by District Selection Committee and the petitioners' appointment was a regular appointment. Through the impugned orders dated 14.10.2022, the petitioners' appointment were cancelled, which are put under challenge in these writ petitions.

2. The only reason assigned in the impugned orders are that the petitioners' appointment is in violation of Rules. What was violated was not spelt out in the impugned order. Further more, no show cause notice or enquiry has been conducted against the petitioners before their appointment orders were cancelled. Thus, on a plain reading of the impugned order, it is seen that it is not only in violation of principles of natural justice, but also is a non-speaking order. On these grounds, the impugned orders cannot be sustained.

3. Accordingly, the impugned orders dated 14.10.2022 passed by the fourth respondent are hereby quashed. Consequently, there shall be a direction



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to the respondents to forthwith pass orders, reinstating the petitioners back into service together with continuity of service and all other attendant and monetary benefits.

4. In case, the respondents are of the view that they intend to initiate the departmental action against the petitioners, liberty is hereby granted to them to do so. However, the enquiry shall be preceded by show cause notices calling for the petitioners' explanations and the enquiries should also be conducted, by giving due opportunity to the petitioners.

5. With the above direction and liberty, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

26.06.2023

Index: Yes/No
Speaking order/Non-speaking order
sr



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M.S.RAMESH,J.,

SR

To

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Fort St.George, Chennai-600 009.
2. The Director of Adi-Dravidar Welfare,
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