



W.P.No.26925 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.26925 of 2022
and W.M.P.No.26130 of 2022

C. Uma

... Petitioner

Vs.

1.The Director/Commissioner,
Adi-Dravidar and Tribal Welfare Department,
Ezhilagam,
Chennai – 05.

2.The District Collector,
Villupuram District,
Villupuram.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the 2nd respondent in Na.Ka.M1/13916/2022 dated 25.09.2022 and to quash



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the same and further direct the respondents not to disturb the petitioner service without any due process of law.

For Petitioner : Mr.S. Sivakumar

For Respondents : Mr.M. Alagu Gowtham,
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner herein was regularly appointed to the post of Cook by the third respondent herein, after her candidature was sponsored by the Employment Exchange and on her participation in the selection process. She was also put in her regular time scale of pay. Through the impugned order dated 25.09.2022, the second respondent herein who is neither the Appointing Authority nor the Disciplinary Authority for the post of Cook, which comes under the Department of Adi-Dravidar and Tribal Welfare, has passed the impugned order, cancelling the appointment order dated 08.10.2020.



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3. The order of cancellation cannot be sustained for two main reasons. Firstly, the second respondent herein was not the Competent Authority to pass such an order since he is not the Appointing Authority. Secondly, the petitioner being a regular employee, is required to be proceeded with a departmental action before any final orders are passed touching upon her service conditions.

4. In other words, if the Competent Authority is of the view that the appointment of a Government employee requires to be cancelled, a show cause notice calling for explanation followed by a departmental inquiry and further explanations if any charges are proved against the petitioner, requires to be followed before any adverse orders are passed. Admittedly, no such procedure was followed before the impugned cancellation order was passed. On this ground also, the order cannot be sustained.



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5. In the result, the impugned order dated 25.09.2022 passed in Na.Ka.M1/13916/2022 by the second respondent herein, is hereby quashed. Accordingly, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

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Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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To

- 1.The Director/Commissioner,
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Chennai – 05.
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Villupuram.
- 3.The District Adi-Dravidar and Tribal Welfare Officer,
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M.S.RAMESH,J.

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