



W.P(MD)No.6244 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6244 of 2023

and

W.M.P.(MD)No.5941 of 2023

V.Matchakalai

... Petitioner

Vs.

1.The Chairman,
O/o.The Chairman,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

2.The Managing Director,
O/o.The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road,
Kilpauk, Chennai - 600 010.

3.The General Manager,
O/o.The General Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
No.12, Thambusamy Road, Kilpauk,
Chennai - 600 010.

4.The Regional Manager,
O/o.The Regional Manager,
Tamil Nadu Civil Supplies Corporation Ltd.,
Dindigul Region, Collectorate Complex,
Dindigul.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Na.Ka.No.E4/3008/2022 dated 09.06.2022 on the file of the respondent No.3 and consequential impugned order in Se.Mu.Aa.No.Aat2/17085/2022 dated 10.10.2022 on the file of the respondent No.4 and quash the same as illegal and consequentially for a direction, direct the respondents to reinstate the petitioner into service in the post of Seasonal Helper within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman,
For M/s.Lajapathi Roy and Associates.

For Respondents : Mr.K.R.Badurus Zaman,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner was appointed as Seasonal Helper on temporary basis in the year 2018. On 23.05.2022 show cause notice was issued. The petitioner offered his explanation on 25.05.2022 denying the allegations set out in the show cause notice. On 09.06.2022, the



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Regional Manager, Dindigul Region passed order dismissing the petitioner from service. Questioning the same, the petitioner filed an appeal before the General Manager. The General Manager, TNCSC on 10.10.2022 rejected the petitioner's appeal. Challenging the same, the present writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition calling upon this Court to set aside the impugned order and grant relief as prayed for.

4.Per contra, the learned standing counsel submitted that the impugned orders do not warrant interference. He pointed out that the petitioner was working as Seasonal Helper purely in a temporary capacity and that the employer can very well summarily terminate him and that there is no need to follow the principles of natural justice. In any event, the authority conducted enquiry and satisfied himself and only thereafter passed impugned order. There is no arbitrariness involved in this matter. He pressed for dismissal of the writ petition.



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5.I carefully considered the rival contentions and went through the materials on record. It is obvious from a reading of the the impugned orders and show cause notice that complaints were received by the employer that the petitioner demanded and received illegal gratification. The petitioner no doubt was only working in temporary capacity. But then, the termination order casts stigma on the petitioner. Whenever stigma is cast on an employee, even if he is working in temporary capacity, still principles of natural justice will have to be adhered to. Of course, the employer was not obliged to conduct a detailed enquiry. But atleast in a summary form, some kind of an enquiry must have been held and in that enquiry the petitioner must have been associated.

6.That apart the impugned orders are non-speaking. The show cause notice contains certain allegations against the petitioner. The petitioner in his explanation denied the same. Therefore, the authority was obliged to consider the petitioner's defence and give reasons for rejecting the same. But without assigning any reason, the original authority after narrating the antecedents facts terminated the petitioner



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from service. The appellate authority's order is also on the same lines.

Since reasons have not been assigned, the impugned orders are vulnerable on that count. It would have been a different matter WW if the authority had passed a simple non-speaking order without casting any stigma on the petitioner. That is not the case here. On this ground, I am constrained to interfere. The orders impugned in the writ petition are set aside and the writ petition is allowed. The petitioner is restored to the position of Seasonal Helper. Liberty given to the respondents to proceed afresh on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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