



W.P(MD)No.9517 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9517 of 2023
and
W.M.P(MD)No.8491 of 2023

P.Jeffreeves Ronald

... Petitioner

Vs

1.The Commissioner,
Dairy Milk Development Department,
Chennai – 51.

2.The General Manager,
Thoothukudi District Co-operative Milk Producers Union,
No.74 F, Balavinayagar Kovil Street,
2nd Floor,
Thoothukudi 2.

3.The Deputy Registrar (Dairy Milk),
Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the impugned order of termination dated 17.04.2023 vide proceedings in Na.Ka.No. 860/Offl/2023 issued by the second respondent and quash the same as illegal



W.P(MD)No.9517 of 2023

and arbitrary and consequently directing the respondents to reinstate the petitioner into service.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R.1 & R.3

Mr.K.Prabhu
Standing Counsel for R.2

ORDER

Heard the learned counsel on either side.

2. The petitioner was working as Executive (Engineering) in the second respondent union. He was issued with a show cause notice on 06.04.2023. I called upon the petitioner to offer his response within seven days. Notice itself was received by the petitioner only on 10.04.2023. On 17.04.2023, the impugned order terminating the petitioner's service came to be passed. I am more than satisfied that even without giving sufficient opportunity to the petitioner, the impugned order has been passed. The second respondent could have waited for few more days. On this ground of violation of principles of natural justice, order dated 17.04.2023 is set aside. The petitioner shall offer his reply in response to the notice dated 06.04.2023 on or before 08.05.2023.



W.P(MD)No.9517 of 2023

The petitioner will not wait for any certified copy of this order. Thereafter, it is for the second respondent to pass an appropriate order on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. The issue is left to the discretion of the second respondent.

3. This writ petition is allowed on these terms. The petitioner is permitted to approach the second respondent in person tomorrow (28.04.2023) at 11.00 a.m. The petitioner will be furnished with the copy of the report under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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W.P(MD)No.9517 of 2023

G.R.SWAMINATHAN, J.

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