



W.P.(MD)No.16513 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.16513 of 2016

and

W.M.P.(MD) No.12043 of 2016

K.Kannan

... Petitioner

Vs.

The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswarar Thirukoil,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorari*, calling for the impugned show cause notice under Proceedings Na.Ka.No.2827/2015/A1,dated 20.08.2016,on the file of Respondent and to quash the same as illegal.

For Petitioner : Mr.K.R.Laxman

For Respondent : Mr.V.R.Shanmuganathan
Standing Counsel



W.P.(MD)No.16513 of 2016

WEB COPY

ORDER

This writ petition is filed challenging the impugned show cause notice, dated 20.08.2016.

2. Heard Mr.K.R.Laxman, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the respondent. Perused the material documents available on record.

3. The petitioner is an employee under the respondent Temple. There was a surprise inspection on 14.07.2015, thereafter, disciplinary proceeding was initiated against the petitioner and he was dismissed from service 30.04.2016. The dismissal order was challenged by way of filing writ petition in W.P(MD)No. 15670 of 2017 and vide order of this Court, dated 01.11.2022 the punishment was modified as compulsory retirement.

4. Based on the surprise inspection on 14.07.2015, audit objection was slip was issued on 19.10.2015 and 27.11.2015. Based on the audit objection the respondent has issued the impugned Show Sause Notice dated 20.08.2016.



W.P.(MD)No.16513 of 2016

WEB COPY

The respondents submitted that the earlier proceeding is based on the inspection report, but the present proceeding is based on the audit objection slip.

5. It is seen from the records that the petitioner was already dismissed from service 30.04.2016. But the impugned show cause notice was issued on 20.08.2016. Since there is no employee and employer relationship between the petitioner and the respondent, the respondent has no power to issue to show cause notice. Hence, this Court is inclined to allow this writ petition.

6. Accordingly, this Writ petition is allowed. The impugned show cause notice dated 20.08.2016 is hereby quashed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

23.03.2023

To

The Joint Commissioner/Executive Officer,
Arulmighu Meenakshi Sundareswarar Thirukoil,
Madurai.



WEB COPY



W.P.(MD)No.16513 of 2016

S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 16513 of 2016**

23.03.2023