



WEB COPY

W.P.No.20177 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.20177 of 2021 and
W.M.P.Nos.21442 & 21444 of 2021

Sumathi

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Corporation for Development
of Women Limited,
Chennai 600 034.
- 2.The District Collector,
Chengalpattu District.
- 3.The Joint Director/ Project Director,
Tamil Nadu State Rural Livelihoods Mission (TNSRLM)
(Mahalir Thittam),
District Mission Management Unit (DMMU)
Chengalpattu District.
- 4.The Assistant Project Officer,
Tamil Nadu State Rural Livelihoods Mission (TNSRLM)
(Mahalir Thittam),
District Mission Management Unit (DMMU)
Chengalpattu District.
- 5.The Block Development Officer,
Thiruporur Panchayat Union,
Thiruporur Taluk, Chengalpattu District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuance of the impugned order of the third respondent in his proceedings in Na.ka.No.263/2021/A1 dated 15.07.2021, quash the same and consequently, direct the third respondent to reinstate the petitioner into service with all attendance and consequential monetary benefits.

For Petitioner : Ms.Preethi for
Mr.A.Ramalingam

For Respondents : Mr.R.U.Dinesh Rajkumar, AGP

ORDER

This Writ Petition has been filed challenging the impugned termination order dated 15.07.2021, terminating the service of the petitioner.

2.Today when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1, 3 and 4 submitted that the second respondent had passed an order of termination of service in Na.Ka.No.263/2021/A1 dated 15.07.2021 stating that the petitioner had taken unauthorised leave from 15.07.2021 to 23.05.2021. Aggrieved over the same, the petitioner has filed an appeal before the first respondent on 02.08.2021



requesting to cancel the order of termination dated 15.07.2021, but the same was not considered. Hence, the petitioner filed a Writ Petition in W.P.No.20177 of 2021 before this Court and this Court has passed an order of interim stay and also directed the respondents to allow the petitioner to do his service. Thereafter, the petitioner joined his service. While so, the petitioner had misappropriated a sum of Rs.1,60,633/- for which, the first respondent passed an order of termination of service in Na.Ka.No.156/2022/A1 dated 15.10.2022. Against which, the petitioner has filed a Writ Petition in W.P.No.28826 of 2022 and this Court, by an order dated 23.11.2022, had disposed of the said petition and the relevant paragraphs of the said order is extracted hereunder:

“7. In view of the fact that the impugned order is a non-speaking order and is an order passed by violating the principles of natural justice, the impugned order dated 15.10.2022, is hereby quashed and the second respondent is directed to issue a show cause notice to the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order with regard to the allegations levelled against the petitioner and on receipt of the said show cause notice, the petitioner is directed to submit her explanation, within a period of two (2) weeks thereafter, stating her objections with regard to the



allegations levelled against her in the show cause notice by the respondents. On receipt of the said reply/explanation from the petitioner, the second respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the explanation submitted by the petitioner, within a period of four (4) weeks thereafter.

8. Accordingly, the Writ Petition stands disposed of.”

Thereafter, the petitioner filed a contempt petition in Contempt No.763 of 2023 against the first respondent and the first respondent has passed the impugned order in his proceedings in Na.Ka.No.156/2021/A1, dated ..04.2023 (signed on 18.04.2023) dismissing the petitioner from the service. Against which, the petitioner has filed a Writ Petition in W.P.No.20846 of 2023 which is now pending before this Court for consideration.

3. The issue raised in this writ petition has already been settled in W.P.No.28826 of 2022 and there is no necessity to pass any orders in this writ petition and hence, the prayer sought for in this petition has become infructuous.

4. Therefore, this Writ Petition is dismissed as infructuous. No costs.



Consequently, connected Miscellaneous Petitions are also closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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VIVEK KUMAR SINGH, J.

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