



W.P.(MD)No.11601 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11601 of 2024 &
W.M.P.(MD)Nos.10329 & 10332 of 2024

T.Kala

... Petitioner

VS.

1.The Joint Registrar of Co-operative Societies,
Sivagangai Region, Sivagangai.

2.The Deputy Registrar of Co-operative Societies,
Sivagangai, Sivagangai District.

3.The Senior Inspector / Administrator,
N.N.570, Keezhakandani Primary Agricultural
Co-operative Credit Society Limite,
Keezhakandani Post,
Sivagangai District.

... 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 records on the file of the third respondent in connection with the impugned order of removal from service passed by him vide his proceedings No.Nil dated 04.04.2024, quash the same as without jurisdiction and in violation of principles of natural justice and thereby direct the respondents to reinstate the petitioner in service with continuity of service from 06.04.1998 in the



W.P.(MD)No.11601 of 2024

post of Sales Women within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Kameshwaran,
Government Advocate

ORDER

Heard Mr.G.Thalaimutharasu, learned counsel appearing for the petitioner and Mr.S.Kameshwaran, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition seeking to issue a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order of removal from service passed by the third respondent vide proceedings No.Nil dated 04.04.2024, quash the same as without jurisdiction and in violation of principles of natural justice and thereby direct the respondents to reinstate her in service with continuity of service from 06.04.1998 in the post of Sales Women.

3. Mr.G.Thalaimutharasu, learned counsel appearing for the



W.P.(MD)No.11601 of 2024

petitioner submitted that the petitioner has been given with the show cause notice and in response to that, she had made her reply on 30.03.2024. However, even without conducting any enquiry, the third respondent had issued proceedings dated 04.04.2024 imposing a major penalty of removal from service. Aggrieved over the same, the present writ petition is filed.

4. Mr.S.Kameshwaran, learned Government Advocate appearing for the respondents submitted that the petitioner has remained unauthorizedly absent for more than seven years and hence after issuance of show cause notice, she was removed from service.

5. The petitioner had been in unauthorized absence for more than seven years. If the third respondent feels it fit that the lapse on the part of the employee would attract major penalty, then it would mandate him to issue of notice and proceedings by appointing an enquiry officer. Without resorting to the above course, the third respondent has straightaway passed an order imposing a major punishment of removal



W.P.(MD)No.11601 of 2024

from service, which is totally against the principles of natural justice and hence, on this sole ground the impugned order is liable to be set aside. The notice already issued by the third respondent can be treated as first show cause notice and the petitioner can be given liberty to submit additional explanation, if any.

6. In view of the above observations, the writ petition is **disposed of** and the petitioner is at liberty to submit her additional explanation, if any, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such explanation, the third respondent shall pass appropriate orders in accordance with law without any omission in adopting the due procedures. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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W.P.(MD)No.11601 of 2024

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To

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W.P.(MD)No.11601 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.11601 of 2024

04.06.2024