



WEB COPY



W.P.No.822 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.822 of 2024
W.M.P.No.850 of 2024

K.Mathaiyan

... Petitioner

Vs

1.The Secretary,
Union of India,
Department of Fertilizers,
Ministry of Chemicals & Fertilizers,
Room No.217-A, Shastri Bhavan,
New Delhi-110001.

2.The Chairman & Managing Girector (CMD),
Madras Fertilizers Ltd., (MFL),
Manali, Chennai-600 068.

3.The General Manager (P&A),
Madras Fertilizers Ltd., (MFL),
Manali, Chennai-600 068.

4.Disciplinary Authority,
(The Director Technical)
Madras Fertilizers Ltd., (MFL),
Manali, Chennai-600 068.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 3rd respondent vide proceedings bearing File No.HR/PF/-3110/2023 dated 27.12.2023 and quash the same.

For Petitioner : Mr.Stalin Abhimanyu

For Respondents : Mr. S.Nelson,
Central Government Standing Counsel
for R-1

: Mr.Jayesh B.Joliya, Senior Counsel
for M/s.Aiyar & Dolia for RR-2 to 4

ORDER

Aggrieved by the show cause notice issued by the 3rd respondent dated 27.12.2023, the petitioner is before this Court.

2. It is the case of the petitioner that he joined the services of the 3rd respondent as Assistant (Liaison) Grade-IV in the year 2011 after participating in the duly notified recruitment process. After 12 long years of service, the present impugned show cause notice had been issued by the 3rd respondent dated 27.12.2023 stating that the petitioner had violated the procedures prescribed in the recruitment notification at the time of his appointment and therefore, the services of the petitioner is liable to be terminated. Challenging the same, the present Writ Petition has been filed.



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3. Learned counsel appearing for the petitioner submitted that, admittedly, the Director Technical, Disciplinary Authority, the 4th respondent had closed the complaint as against the petitioner vide proceedings dated 27.05.2022 by duly considering the report of the Fact Finding Authority and therefore, the consequent issuance of show cause notice is wholly unsustainable and reflects total non-application of mind. Accordingly, the learned counsel prayed for appropriate orders.

4. Learned Senior Counsel appearing for respondents 2 to 4 submitted that, admittedly, the initial show cause notice was issued in the year 2014 and the consequent charge memo was issued on 16.01.2015 which was successfully challenged before this Court in W.P.No.2334 of 2015. Thereafter, another show cause notice was issued on 19.12.2020 to which the petitioner submitted his explanation on 25.02.2020. Subsequently, the fact finding committee conducted an enquiry in the year 2021 and submitted its report before the competent authority. Based on the remarks made by the fact finding committee, the General Manager issued a show cause notice to afford an effective opportunity of hearing to the petitioner so as to enable him to participate in the proceedings by submitting suitable reply to the fact finding committee. The impugned notice is only a final show cause notice issued prior to passing of the final order by the competent authority and even at this stage, the petitioner is entitled to submit the



explanation.

5. Learned Senior Counsel for the respondents further submitted that the present General Manager, (P & A) is the appointing authority to the petitioner, he is entitled to give Show cause notice, call for explanation and pass final orders on the basis of the available materials on merits and in accordance with law and that the petitioner cannot presume that an adverse order would be passed against him. He further submitted that, after passing of the final order, there is an effective remedy of appeal available before the appellate and reviewing authorities. Instead of which, filing a Writ Petition is not sustainable. Accordingly, he prayed for dismissal of the Writ Petition.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Though the present Writ Petition has been filed challenging the impugned order of issuance of show cause notice, however, it is the consistent view of the Courts that the Courts cannot interfere with the show cause notice at the threshold and it is for the petitioner to submit suitable explanation to the show cause notice. Therefore the prayer sought for in the present Writ Petition cannot be entertained. However, liberty is granted to the petitioner to give explanation to



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the show cause within a period of two (2) weeks from the date or receipt of a copy of this order. Upon receipt of such explanation, the 3rd respondent is directed to pass appropriate orders on the same on merits and in accordance with law.

8. Accordingly, the Writ Petition is dismissed with the aforesaid liberty. There shall no order as to costs. Consequently, connected Miscellaneous Petition is closed.

01.12.2025

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No

Nhs



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M.DHANDAPANI, J

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To

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