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W.A No. 2842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2842 of 2025

and

CMP.No. 22991 of 2025

1. The Director of Medical and Rural Health Services
Chennai – 600008

2. The Joint Director of Health Services,
Nagapattinam District.

3. The Superintendent
Govt. District Head Quarters Hospital,
Nagapattinam.

..Appellants

Vs

S.Ponnivalavan

...Respondents

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 19.03.2024 passed in W.P.No. 18849 of 2018.



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For Appellants: Mr. M.Bindran, AGP

For Respondent : Mr.V.Chandrasekaran

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

This intra-Court appeal is directed against the order dated 19.03.2024 passed by the learned Single Judge in W.P. No. 18849 of 2018. By the said order, the learned Single Judge set aside the order of termination dated 14.05.2001 passed by the second respondent and directed the appellants herein to regularise the services of the writ petitioner/respondent, together with all consequential service and monetary benefits from the date of his appointment.

2. The facts in brief are as follows:

2.1 The writ petitioner/respondent was appointed as Pharmacist in the year 2001. By proceedings dated 14.05.2001, his services were terminated. Aggrieved thereby, he approached the Tamil Nadu Administrative Tribunal, Chennai, by filing O.A. No. 3394 of 2001. The Tribunal granted interim orders on 22.05.2001 and 21.06.2001, pursuant to which the writ petitioner/respondent was permitted to rejoin duty and continued in service. Subsequently, upon the



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abolition of the Administrative Tribunal, the case stood transferred to this Court. However, it is the grievance of the writ petitioner/respondent that he was not informed about the transfer of his case. Despite making several representations, the case bundle could not be traced. Consequently, he filed the aforesaid writ petition challenging the termination order dated 14.05.2001.

2.2 The learned Single Judge, upon consideration, found that the termination of the writ petitioner/respondent was effected without issuing any notice or affording him an opportunity of hearing, thereby violating the settled principles of natural justice. The learned Single Judge also observed that the writ petitioner/respondent was duly qualified and eligible for appointment to the post of Pharmacist and that he had rendered about 23 years of service without any blemish. On these findings, the learned Single Judge directed regularisation of his services with all consequential benefits.

3. Mr. M. Bindran, learned Additional Government Pleader for the appellants, submitted that the initial appointment of the writ petitioner/respondent was irregular. It was contended that while making his appointment, the claims of his seniors in the Employment Exchange register were overlooked and the rule of communal reservation was not followed. On



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that basis, it was urged that the termination of the writ petitioner/respondent was fully justified, and consequently, he is not entitled to any relief of regularisation.

4. Per contra, Mr. V. Chandrasekaran, learned counsel for the writ petitioner/respondent, submitted that the appointment of the writ petitioner was in accordance with law. He argued that the learned Single Judge, after properly appreciating the materials available on record and considering the long and blemish-free service of the writ petitioner/respondent, rightly allowed the writ petition.

5. We have carefully considered the submissions of the learned counsel on either side and perused the records placed before us.

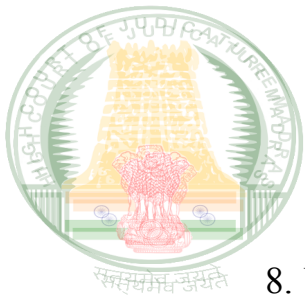
6. It is not disputed that the writ petitioner/respondent was appointed as Pharmacist in the year 2001 pursuant to a list sponsored by the Employment Exchange. It is also not in dispute that the writ petitioner/respondent possessed the requisite qualifications for appointment to the said post. The reason assigned for the termination of his services was that the appointment had been made by overlooking seniors registered with the District Employment Exchange. It is also on record that disciplinary action was taken against the officers concerned who were involved in the said irregularities, and they were imposed with the



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punishment of compulsory retirement. However, it is significant to note that the writ petitioner/respondent himself was never served with any notice nor was he given an opportunity to show cause before the impugned termination order dated 14.05.2001 was passed.

7. The learned Single Judge, after considering these aspects, rightly came to the conclusion that the termination order was violative of the principles of natural justice. Furthermore, the learned Single Judge took into account that the writ petitioner/respondent, by virtue of the interim orders passed by the Tamil Nadu Administrative Tribunal, had continued in service without interruption since 2001, and as on date, had completed more than two decades of blemish-free service. On these considerations, the learned Single Judge set aside the termination order and directed regularisation of his services.



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8. We are in full agreement with the findings of the learned Single Judge.

The termination of the writ petitioner/respondent's services without affording an opportunity of hearing is a clear violation of the principles of natural justice. In addition, the fact that the writ petitioner/respondent has continuously discharged his duties as a Pharmacist for over 23 years without any adverse record, reinforces the justification for the order passed by the learned Single Judge. We, therefore, find no illegality or infirmity in the impugned order warranting interference by this Court in intra-Court appeal jurisdiction.

9. In the result, the writ appeal stands dismissed as devoid of merits. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs. The Appellant/State is granted two (2) months time from today to implement the impugned order passed by the learned Single Judge.

(R.S.K.,J)

(H.C., J)

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Index : Yes / No

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Neutral Citation : Yes / No

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HEMANT CHANDANGOUDAR, J.,
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