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W.P.No.25394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.25394 of 2024
and
W.M.P.No.27760 of 2024

S. Annaletchumi

...Petitioner

Vs

1. The Commissioner,
Vellore Corporation, Vellore.

2. The District Collector,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for records relating to the order of the first respondent in proceedings No.Na.Ka.No.C1/17480/2023 dated 13.08.2024 to quash the same and pass orders .

For Petitioner : Mr.L. Chandrakumar

For Respondent-1 : Mr.P.S.Prabhu, Government Advocate

For Respondent – 2 : Mr.Abhishek Murthy,
Government Advocate



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ORDER

The petitioner has filed this petition to issue a Writ of Certiorari calling for records relating to the order of the first respondent in proceedings No.Na.Ka.No.C1/17480/2023 dated 13.08.2024 to quash the same and pass orders .

2. The facts of the case is that the petitioner was appointed as Junior Assistant on compassionate grounds in the Respondent/Corporation. Whiles the first respondent has issued show cause notice to the petitioner on 13.08.2024. The sum and substance of the case is that the petitioner is having Malaysia Passport and other identity cards from Malaysia and suppressing the same the petitioner got Identity cards from India to establish her as a Indian Citizen . It is pertinent to note that she has not informed the same to the Respondent/Department at the time of receiving compassionate appointment order and without obtaining prior permission she has went to Malaysia several times and the same was found by the Authorities from Bureau of Immigration. Hence the first Respondent has issued the show cause notice on 13.08.2024 in Na.Ka.No.C1/17480/2023, wherein



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it has been stated that the petitioner has violated Rule 24 of the Tamilnadu Government Servants Conduct Rules, 1973. Hence, sought for explanation from the petitioner that due to the said misconduct why not the petitioner can be removed from the services. Aggrieved over the same the petitioner has come up with this petition.

3. The learned counsel for the petitioner submitted that the petitioner is a single parent who has to take care of the child as the father of the child passed way. Due to the fact that the petitioner is also going for job, she was not able to take care of the child. Hence, the child was taken care by the mother of the petitioner who is residing in Malaysia and the petitioner went to Malaysia to see her. It is needless to say that when the petitioner approached to get permission it came to be informed that the process of obtaining and granting permission to leave the country is a complicated one and she was advised to avail eligible leave to see the child and come back at the earliest, therefore she had availed the eligible leave. It is pertinent to note that she has not suppressed any fact for obtaining Identity Card in India and she has got the same only through the proper channel. Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the



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respondent filed a counter affidavit dated 15.01.2025 wherein it was stated that when the petitioner is called for an enquiry she initially said that there is no Malaysia Passport and thereafter she said that the Malaysia Passport is about to expire on January 2025, which clearly reveals the statement given by the petitioner is contradictory. Further more on verification it was found that the petitioner has went several times to Malaysia without obtaining proper permission and summon was sent to the petitioner to appear for further enquiry on 20.01.2025. After completion of enquiry final report will be filed.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records, it is found that the impugned order is nothing but a show cause notice and the petitioner can give her explanations to establish her case. After receiving the explanations from the petitioner, the respondents are directed to proceed the case in the manner known to law. If the petitioner has violated any of the service conditions as per the Tamilnadu Government Servants Conduct Rules, 1973, the Second Respondent/District Collector are at liberty to proceed



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the case further and initiate disciplinary action against the petitioner.

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7. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

23.01.2025

Index: Yes/No

Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

smn

To

1. The Commissioner,
Vellore Corporation, Vellore.
2. The District Collector,
Vellore District.

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and
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