



W.P.(MD)No.10597 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10597 of 2021

and

W.M.P.(MD)No.8255 of 2021

M.Ramuthai

: Petitioner

Vs.

1.The Chief Engineer Personnel,
Tamil Nadu Generation Electricity
Distribution Corporation Ltd.,
144, Annasalai,
Chennai – 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation Electricity
Distribution Corporation Ltd.,
Madurai Electricity Distribution Circle,
K.Pudur, Madurai – 620 007.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent reference Memo No.me.pa.po/m.mi.pa.va/ma/Ni.A/Ni.pe.II/ou-1/Ko.Pa.Nee/2021 dated



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09.06.2021 to quash the same and directing the respondents to continue the petitioner in service and to sanction, all other service and monetary benefits.

For Petitioner : Mr.A.V.Arun
for M/s.Meenakshi Rama Prabhu
For Respondents : Mr.B.Ramanathan
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned show cause notice dated 09.06.2021 issued by the second respondent. Under the impugned show cause notice, the respondents have called upon the petitioner to submit her explanation as to why her services should not be terminated.

2.According to the respondents, the petitioner was wrongly regularised in service of the respondent by the proceedings of the respondents dated 02.08.2011, with effect from 01.11.2005. The petitioner has challenged the impugned show cause notice on the ground that the respondents have pre-determined the issue and they have issued the impugned show cause notice arbitrarily and illegally despite the fact that the petitioner was absorbed in the services of the respondents with effect from 01.11.2005.



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3.A counter affidavit has also been filed by the respondents giving reasons as to why the petitioner's services has to be terminated as according to them, only part time conservancy workers who joined before 15.10.2005 were eligible for absorption in regular time scale of pay but since the petitioner as a part time conservancy worker was working with the respondents only after 15.10.2005 ie., she was appointed on 01.11.2005, she is not eligible to be absorbed in the services of the respondent. According to the respondents only under those circumstances, they were constrained to issue the impugned show cause notice seeking to terminate the services of the petitioner.

4.The following are the undisputed facts:

a) only through the board proceedings of the respondents dated 02.08.2011, the petitioner was absorbed into the service of the respondent with effect from 01.11.2005;

b) though the petitioner was absorbed with effect from 01.11.2005, only through the impugned show cause notice which is dated 09.06.2021, the respondents have called for an explanation from the petitioner as to why her services should not be terminated since she was appointed as a part-time conservancy worker only



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from 01.11.2005, though as per the board proceedings, for the purpose of absorption, the part-time conservancy worker ought to have been appointed prior to 15.10.2005;

c) in the impugned show cause notice, the respondents have pre-determined the issue by asserting that the petitioner had been wrongly absorbed in the service of the respondent and in violation of the board proceedings dated 02.08.2011;

5.The petitioner is having the benefit of interim stay of the operation of the impugned show cause notice dated 09.06.2021 from 25.06.2021. The petitioner is still working with TANGEDCO [respondent] even now. Since steps have been taken to terminate the services of the petitioner only through the impugned show cause notice dated 09.06.2021, though the petitioner has been absorbed in the services of the respondent with effect from 01.11.2005, the question of terminating the services of the petitioner at this belated stage does not arise. As seen from the impugned show cause notice, the respondents have also pre-determined the issue by stating in the impugned show cause notice that wrongfully, the petitioner was absorbed in service with effect from 01.11.2005. Once the issue has been pre-determined by the respondents in the impugned show cause notice, the object of the show cause notice will get defeated.



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The object of any show cause notice is to enable the noticee to provide explanation as to why action contemplated in the said show cause notice cannot be taken against her. But even before providing an opportunity for the petitioner to submit her explanation as seen from the show cause notice, the respondents have pre-determined the issue by holding that the petitioner has been wrongfully absorbed in the service of the respondent with effect from 01.11.2025.

6. In fact, the petitioner had earlier filed a Writ Petition before this Court after her absorption into service for the difference in arrears of salary payable to her and the same was also disposed of by directing the respondents to consider the petitioner's representation seeking for payment of arrears of salary. Subsequently, a contempt notice was also issued by the petitioner to the respondents since the directions issued by this Court in the aforesaid Writ Petition was not complied with by the respondents. Only after the contempt notice was issued by the petitioner for the alleged disobedience of the order passed by this Court in the aforesaid Writ Petition, the respondents by way of an afterthought has issued the impugned show cause notice dated 09.06.2021 pre-determining the issue by holding that the respondents had erroneously absorbed the petitioner into service with effect from



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01.11.2005. The surrounding facts and circumstances which culminated in the issuance of the impugned show cause notice will categorically reveal that only as an afterthought, the impugned show cause notice has been issued in the year 2021, though the petitioner was absorbed into the services of the respondents with effect from 01.11.2005. As observed earlier, the respondents have also predetermined the issue in the impugned show cause notice. If the issue is predetermined, this Court can interfere with the impugned show cause notice.

7. For the foregoing reasons, this Court is of the considered view that the impugned show cause notice is arbitrary and illegal and it has to be quashed. Accordingly, the impugned show cause notice dated 09.06.2021 issued by the second respondent is hereby quashed and this Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes/No
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ABDUL QUDDHOSE., J.

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