



WEB COPY



WP No. 14606 of 2016

IN THE HIGH COURT of JUDICATURE AT MADRAS

DATED: 10-04-2026

CORAM

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 14606 of 2016

and

WMP No. 12778 of 2016, WMP No. 12779 of 2016

Kochu Thireciya,
W/o.Jacob,
No.13/27, Hatty Road,
Pandalur, The Nilgiris District

..Petitioner(s)

Vs

1. The District Collector,
Udagamandalam,
The Nilgiris District
2. The Commissioner
Panchayat Union, Gudalur
The Nilgiris District

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka. M3. No.22494/2015, dated 14.03.2016 and quash the same and consequently directing the respondents to reinstate the petitioner into service as Noon Meal Organizer at St. Xavier Girls High School, Pandalur, The Nilgiris District.

For Petitioner(s):

Ms. P.Dhaarani, for Mr. C. Prakasam



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For Respondent(s):

Mr.S.John J.Raja Singh,
Additional Government Pleader for R1

Mr.C.Selvaraj,
Additional Government Pleader for R2

ORDER

This Writ Petition has been filed to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka. M3. No.22494/2015, dated 14.03.2016 and quash the same and consequently to direct the respondents to reinstate the petitioner into service as Noon Meal Organizer at St. Xavier Girls High School, Pandalur, The Nilgiris District.

2.The case of the writ petitioner is that she was appointed as a Noon Meal Organizer in Gudalur Panchayat Union on 29.08.1991 and she was posted at St. Xavier Girls High School, Pandalur. The impugned order came to be passed by the 1st respondent on the ground that she had gone abroad, based on the telephonic information provided by the brother of the writ petitioner. It is a specific case of the writ petitioner that she applied for medical leave from 01.06.2015 to 31.05.2016.

3.The learned counsel for the petitioner pointed out that the writ petitioner



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had attained the age of superannuation in the year 2016, however she was not permitted to retire, pursuant to the impugned order dated 14.03.2016, by which she was removed from service.

4.The learned Additional Government Pleader appearing for the respondents produced the written instructions received from the 1st respondent. Even in the said written instructions, there is neither a whisper with regard to issuance of any charge memo to the writ petitioner, nor any indication that evidence was recorded or the charges were duly proved. In the absence of any procedure, which has to be followed by the respondents, the said instructions has no value to substantiate the order passed by the respondents herein. The same is hereby recorded.

5.Heard the learned counsel for the petitioner and the learned Additional Government Pleaders for the respondents.

6.Without going into the merits of the case, it is evident that there is no materials on record to show that any charge memo was issued to the writ petitioner, prior to passing of the impugned order, imposing a major



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punishment. The impugned order does not disclose compliance with the procedure contemplated under service law and is based solely on the telephonic information said to have been provided by the brother of the writ petitioner.

7. In view of the above, the removal of the petitioner from service, without following due process of law is unsustainable. Accordingly, the impugned order passed by the 1st respondent in his proceedings Na.Ka. M3. No.22494/2015, dated 14.03.2016 is hereby quashed and this Writ Petition is allowed with costs of Rs.1,00,000/- (Rupees one lakh only) and the same shall be paid to the writ petitioner. The respondents shall pay all the emoluments which is due to the writ petitioner, within a period of eight weeks from the date of receipt of a copy of this order. In the event of non-compliance of this order, the writ petitioner is at liberty to initiate appropriate coercive proceedings in accordance with law. Consequently, connected Miscellaneous Petitions are closed.

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

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To

1.The District Collector,
Udagamandalam,
The Nilgiris District

2.The Commissioner
Panchayat Union, Gudalur
The Nilgiris District



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N.SENTHILKUMAR J.

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