

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
MONDAY, THE 25TH DAY OF SEPTEMBER 2023 / 3RD ASWINA, 1945
WP(C) NO. 22398 OF 2023

PETITIONERS :-

- 1 THOMAS ABRAHAM, AGED 61 YEARS
- 2 SANTHAMMA. E.S, AGED 64 YEARS
- 3 RAJAN.T, AGED 60 YEARS
- 4 K.K.JAYAKUMAR, AGED 64 YEARS
- 5 BIJU JOSE EAPEN, AGED 61 YEARS
- 6 SOMARAJAN C.N, AGED 62 YEARS

BY ADV JESTIN MATHEW

RESPONDENTS :-

- 1 THE MISSION DIRECTOR
MAHATMA GANDHI NATIONAL RURAL,
EMPLOYMENT GUARANTEE SCHEME (KERALA), SWARAJ
BHAVAN,NANTHANCODE,KOWDIAR P O,
THIRUVANANTHAPURAM,, PIN - 695003
 - 2 THE DISTRICT PROGRAMME CO-ORDINATOR
MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE SCHEME AND
DISTRICT COLLECTOR, PATHANAMTHITTA DISTRICT,
PIN - 689645
- SMT. SURYA BINOY, SR. GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners state that they have functioned as Quality Monitors of the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) within the limits of Pathanamthitta District. They have approached this Court being aggrieved by Ext.P6 order issued by the 2nd respondent, as per which they have been terminated from their service.

2. The petitioners contend that they have been terminated with retrospective effect without even serving a notice or seeking their explanation. It is stated that though they were removed from service on 31.5.2023, as is borne out from Ext.P6 order, they had duly performed their work from 1.6.2023 to 30.6.2023. All that is mentioned in Ext.P6 is that the performance of the petitioners is not satisfactory and nothing more. It is stated that there was no material before the 2nd respondent to come to the conclusion that the performance of the petitioners was unsatisfactory. If an opportunity was granted to the petitioners prior to the passing of the order, they would have been in a position to apprise the respondent about the work done by them. It is further stated that the order being bereft of reason violates the principles of natural justice and the rights guaranteed to the petitioners under the Constitution.

3. A counter affidavit has been filed wherein it is stated that the Joint Programme Co-ordinator had found the performance of the petitioners to be unsatisfactory. Though the petitioners were directed to improve the quality of their work, no appreciable improvement was noted.

4. I have heard Sri. Jestin Mathew, the learned counsel appearing for the petitioners and the learned Government Pleader.

5. Ext.P6 is the impugned order. All that is mentioned therein is that the Mission Director opined that the service of those Quality Monitors whose performance was not up to the mark be terminated. It does not appear that any data was placed before the 2nd respondent to substantiate that the performance of the petitioners was not up to the mark. The order was apparently passed by simply holding that the performance was unsatisfactory. No order of an administrative authority communicating its decision is rendered illegal on the grounds of absence of reasons ex-facie, and it is not open to the court to interfere with such orders merely on the grounds of absence of any reasons. However, it does not mean that the administrative authority is at liberty to pass orders without there being any reasons for the same. In the facts and circumstances, I am of the considered opinion that the order passed by the 2nd respondent is without considering any of the facts relevant to the matter, and therefore the order cannot be sustained under law.

6. In that view of the matter, Ext.P6 will stand quashed. There will be a direction to the 2nd respondent to reconsider the matter with notice to the petitioners and take a decision within a period of two weeks. As there is no dispute regarding the entitlement of the petitioner to receive the honorarium for the month of June, the period in which they have worked, the respondents shall ensure that the amount due to the petitioners is disbursed within a period of three weeks from today.

This writ petition is disposed of.

Sd/-

**RAJA VIJAYARAGHAVAN V
JUDGE**

SMA

APPENDIX OF WP (C) 22398/2023

PETITIONER EXHIBITS :-

- Exhibit P1 A TRUE COPY OF THE CIRCULAR DATE
18.11.2019 ISSUED BY THE 1ST RESPONDENT
- Exhibit P2 A TRUE COPY OF THE PROCEEDINGS DATED
12.02.2020 ISSUED BY THE 2ND RESPONDENT
- Exhibit P3 A TRUE COPY OF THE PROCEEDINGS DATED
06.01.2021 ISSUED BY THE 2ND RESPONDENT
- Exhibit P4 A TRUE COPY OF THE PROCEEDINGS DATED
21.02.2023 ISSUED BY THE 2ND
RESPONDENT
- Exhibit P5 A TRUE COPY OF THE PROCEEDINGS DATED
27.02.2023 ISSUED BY THE 2ND RESPONDENT
- Exhibit P6 A TRUE COPY OF THE PROCEEDINGS DATED
31.05.2023 ISSUED BY THE 2ND RESPONDENT
- Exhibit P7 A TRUE COPY OF THE POSTAL COVER ALONG
WITH THE COUNTERFOIL DATED 02.07.2023
OF THE INDIA POST