



W.P. Nos.789, 794, 797, 799, 802 & 807 of 2023 and W.M.P. Nos. 733, 735, 759, 760, 750, 753, 746, 747, 742, 743, 738 & 740 of 2023

WEB COPY W.P. Nos.789, 794, 797, 799, 802 & 807 of 2023 and W.M.P. Nos.733, 735, 738, 740, 742, 743, 746, 747, 750, 753, 759 & 760 of 2023
ABDUL QUDDHOSE, J.

The petitioners have challenged the impugned orders, all dated 04.01.2023 passed by the 3rd respondent cancelling the appointment orders of the petitioners.

2. The petitioners have challenged the impugned orders on the ground that arbitrarily and illegally their appointment orders have been cancelled, despite the fact that only after proper selection to the respective posts, pursuant to a recruitment Notification, they were appointed in the year 2021. The petitioners categorically contend that their certificates were duly verified and only thereafter the appointment orders were issued by the respondents. However, according to the petitioners under the impugned orders, their appointments have been cancelled on the ground that their appointments have been made in violation of the Special Rules of the respondents. In the impugned orders dated 04.01.2023, by which the petitioners services have been terminated, the Proceedings dated 01.02.2022 as well as the enquiry



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report dated 04.08.2022 submitted under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 have been referred. The petitioners categorically contend that neither the Proceedings dated 01.02.2022, nor the enquiry report dated 04.08.2022 was brought to the knowledge of the petitioners, but despite the same arbitrarily the impugned order has been passed terminating their services. They have been working with the respondents from the year 2021 onwards.

3. The learned counsel for the petitioners also drew the attention of this Court to the rules of the respondent Corporation and in particular, he referred to Rule 21 of the Special Bye-laws, which deals with procedure to terminate the services of the employees. According to him, as seen from the said procedure, it is clear that the competent authority will have to necessarily issue notice of three months / one month to the petitioners before terminating their services. However, he would submit that in the case on hand, no such notice was issued to the petitioners before terminating their services.



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4.The learned Standing counsel appearing for the respondents 2 and 3 would submit that if aggrieved by the impugned orders, the only remedy available to the petitioners is to file a statutory appeal as per the provisions of the Tamil Nadu Co-operative Societies Act, 1983 and therefore, he would submit that these writ petitions are not maintainable.

5.However, as seen from the affidavit filed in support of these writ petitions, the petitioners have approached this Court only on the ground of violation of principles of natural justice and therefore, on a prima facie consideration, this Court is of the considered view that these writ petitions are maintainable.

6.However, the issue will have to be examined once a counter is filed by the respondents. Since a prima facie case has been made out by the petitioners, there shall be an order of interim stay of the impugned orders, as prayed for in W.M.P. Nos.735, 740, 743, 747, 753 & 760 of 2023.



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7. Post the matter for counter on 17.03.2023.

11.01.2023

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Note: Issue order copy today (11.01.2023)

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