



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.07.2015
CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.11965 of 2015
and
M.P. (MD) No.1 of 2015

D.Kumar ... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Joint Director / Project Officer,
Tamil Nadu State Rural Livelyhood Mission,
New Natham Road,
Reserve Line,
Madurai - 14.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 2nd respondent from in any way preventing the petitioner from continuing his duty as Driver in the 2nd respondent office and consequently, direct the respondents to pay all the monetary benefits including the salary to the petitioner.

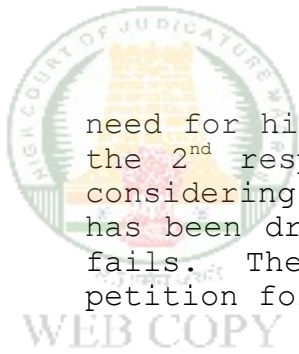
For Petitioner : Mr.N.Sathish Babu
For Respondents : Mr.D.Muruganandam, AGP

ORDER

The petitioner has come forward with the present Writ petition, seeking an order to issue a Writ of Mandamus, forbearing the 2nd respondent from in any way preventing the petitioner to continueing his duty as Driver in the 2nd respondent office and consequently, direct the respondents to pay all the monetary benefits including the salary to the petitioner.

2.Mr.D.Muruganandam, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

3.The case of the petitioner is that he was appointed as a Driver on 04.02.1999 in the Tamil Nadu Corporation for Development of Women Ltd., Madurai, on daily wage basis and that the petitioner has rendered 17 years of service as a Driver without any remarks. On 02.07.2015, the petitioner availed 3 days leave for getting community, income and nativity certificates for the purpose of getting admission to her daughter in the school. He informed the same to A2 Assistant in the respondent Department and the leave of the petitioner has been recorded as casual leave in the attendance register. When he reported for duty after 3 days leave, he came to know that the 2nd respondent has appointed a new Driver in his place and that the 2nd respondent has informed the petitioner that his service has been terminated and hence, there is no



need for him to report for work. According to the petitioner, the act of the 2nd respondent is vindictive and it is a oral termination, without considering the 17 years of service. The petitioner submitted that he has been driven from pillar to post for reinstatement. But, his attempt fails. Therefore, the petitioner has come forward with the present Writ petition for the above said relief.

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

5. It is not in dispute that the petitioner has been terminated verbally. The petitioner has also made a representation, narrating the entire events for getting reinstatement. Whether the petitioner has been prevented from joining duty after availing 3 days casual leave or for any other reason? are all the matter to be decided by the appropriate forum. Certainly the Writ Court cannot look into the disputed question of fact with the records available. Since there is termination, the petitioner will have to agitate his claim before the appropriate forum and if he succeeds, he would be given all the benefits. This Court also makes it very clear that if the petitioner's service has been discontinued on the ground of 3 days casual leave availed, for getting community certificate, etc., and that the petitioner rendered unblemished 17 years of services, the appropriate forum will have to look into these aspects also.

6. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Madurai District.

2. The Joint Director / Project Officer, Tamil Nadu State Rural
Livelihood Mission, New Natham Road, Reserve Line, Madurai - 14.

1CC to Mr. N. Sathish Babu, Advocate, SR.No.38359

1CC to Special Government Pleader, SR.No.38851

W.P. (MD) No.11965 of 2015

14.07.2015

2P/5C

AM/11.08.2015.