



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD).No.12578 of 2016

and

W.M.P.(MD).No.9500 and 9501 of 2016

K.Veerammal

... Petitioner

Vs

1.The Director,
Social Welfare Department,
SIDCO Corporate Old Building 2nd Floor,
Thiru.Vi.Ka.Thozhirpettai,
Guindy, Chennai-600 032.

2.The District Social Welfare Officer,
Office of the District Social Welfare Officer,
K.K.Nagar, Madurai-625 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 2nd Respondent in Se.Mu.Na.Ka.No.1008/A1/2016 dated 22.06.2016 and quash the same as illegal and consequently directing the Respondents to reinstate of the Petitioner with continuity of service including back wages etc.

For petitioner : Mr.M.Kannan

For Respondents : Mr.G.Muthukannan
Government Advocate

ORDER

Mrs.K.Veerammal was appointed as Sweeper-cum- Scavenger in the respondent office on daily wage basis, during 1997. She was terminated by the impugned order, dated 16.07.2012. Challenging the same, the present Writ Petition has been filed.

2. Learned counsel for the petitioner assails the impugned order on the ground that when the petitioner has put in more than eight years of service, before terminating her, no notice was issued at all. In fact, the first respondent by letter dated 13.09.2012, had called for details from the second respondent about the Sweeper-cum- Scavengers who worked for more than three years and in turn, the second respondent not only certified that the petitioner worked for more than eight years but also recommended for regularization of her service by



granting time scale of pay. That being so, at the instigation of one Sivakumar, the second respondent orally instructed the petitioner not to come for work. Before doing so, the respondents have not at all conducted any enquiry, whatsoever, which attitude is absolutely unwarranted, for, even a casual labourer is entitled to get a charge memo for the simple reason that there is no difference with regard to conducting of disciplinary proceedings between a temporary and permanent employee. In support of his contention, learned Counsel for the petitioner referred to the decisions in **Management of Kattabomman Transport Corporation Vs. Labour Court and another, (2004 (1) L.L.N.543)** and **M.Fathima Begum Vs. Tamil Nadu State Aids Control Society and Others, (2014-5-L.W.425)**. According to the learned Counsel as per Service Rules, an enquiry is mandatory, in similar matters, otherwise, the principles of natural justice would be violated.

3. The argument of the petitioner is wholly misconceived. The two judgments heavily relied on by him cannot be applied to the present case for the reason that both the case-laws pertain to temporary employee. Admittedly, in the present case, the petitioner is not a temporary employee, but only a daily wager, which is evident from the proceedings issued in Na.Ka.No.1541/A1/2012, dated 16.07.2012, by the second respondent herein. Hence, the petitioner cannot sail on the judgments cited supra. One another vital point is, in the proceedings, dated 16.07.2012, it is made clear that if the performance of the petitioner is found to be not satisfactory, she would be terminated without any further notice without holding any enquiry, whatsoever.

4. In view of the fact that the impugned order is passed only in tune with the appointment order/ proceedings, dated 16.07.2012, I have no hesitation to dismiss this Writ Petition.

5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar



To

1.The Director,
Social Welfare Department,
SIDCO Corporate Old Building 2nd Floor,
Thiru.Vi.Ka.Thozhirpettai,
Guindy, Chennai-600 032.

2.The District Social Welfare Officer,
Office of the District Social Welfare Officer,
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+1cc to M/S.M.Kannan, Advocate in SR.No.37360

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and
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18.07.2016

Ssm

PA/AAL-MPA/29.09.2016/3P/4C