



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.18938 of 2016

and

WMP(MD)No.13681 of 2016

A.Ilangani

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Health Department, St.George Fort,
Chennai 600 009.

2.The Project Director,
Tamil Nadu State Aids Control Society,
No.417, Pantheon Road, Egmore,
Chennai 600 008.

3.The District Collector,
Thanjavur District, Thanjavur.

4.The District Superintendent,
Tamil Nadu State Aids Control Society,
Thanjavur.

5.The District Programme Manager, DAPCU,
Deputy Director Health Services,
Gandhiji Road, Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent made under his proceedings No.001901/DAPCU/TANSACS/2016, dated 30.03.2016 and quash the same and direct the respondents herein to reinstate the petitioner with continuity of service back wages and all service benefits.

For Petitioner : Mr.K.Neelamegam

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

**O R D E R**

This writ petition has been filed challenging the order of the second respondent, dated 30.03.2016 and consequently to direct the respondents herein to reinstate the petitioner with continuity of service, back wages and all service benefits.

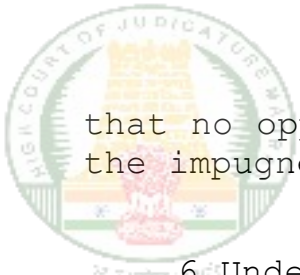
2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The petitioner joined the services of the respondent as an Administrative Assistant on 18.12.2009 by virtue of the appointment order, dated 11.12.2009. Every year the service contract of the petitioner has been extended. As per the proceedings dated 26.03.2016, the criteria for employment has been fixed by the respondent. The relevant criteria and the extension to be granted reads as under:-

Sl. No.	Criteria	Extension Period
1.	The contractual staff scored overall 70 or above in the Annual Performance Appraisal (2015-16)	For 1 year (2 nd April 2016 to 31 st March 2017)
2.	The contractual staff scored less than 7 on punctuality / attendance irrespective of overall score being 70 in the Annual Performance Appraisal (2015-16)	For 6 months (2 nd April to 30 th September 2016)

4. By the impugned order dated 30.03.2016, the contract service of the petitioner was discontinued with effect from 31.03.2016. The petitioner made representations on 04.04.2016 and 21.06.2016. The Joint Director (Finance) by a letter dated 18.08.2016 rejected the request of the petitioner for extension of contract service stating that the performance of the petitioner was not upto standard in respect of the years 2015-16.

5. The learned counsel for the petitioner would submit that from the appraisal report for the years 2015-16 itself, it could be seen that the petitioner has done a great job in her field. But the second respondent passed the impugned order without considering the real appraisal report. The petitioner would have been permitted to continue in service. He has also pointed out



that no opportunity of hearing was given to the petitioner, before the impugned order was passed.

6. Under such circumstances, the order of the second respondent dated 18.08.2016 is hereby set aside and the representation of the petitioner dated 21.06.2016 shall be considered afresh by the second respondent, after affording an opportunity of personal hearing and a decision shall be taken in accordance with law and on merits, within a period of two weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary, Health Department, St. George Fort, Chennai 600 009.
2. The Project Director, Tamil Nadu State Aids Control Society, No.417, Pantheon Road, Egmore, Chennai 600 008.
3. The District Collector, Thanjavur District, Thanjavur.
4. The District Superintendent, Tamil Nadu State Aids Control Society, Thanjavur.
5. The District Programme Manager, DAPCU, Deputy Director Health Services, Gandhiji Road, Thanjavur.

+1cc to Mr.K. Neelamegam, Advocate in SR. No.65543

rj2

MSK/SS2/SAR3/25.01.2017/3P-7C