



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.1550 of 2014 and
M.P.(MD)No.2 of 2014

R.Hentry Rajan, S/o.C.Ramasamy(late),
Junior Assistant, Government Primary Health Centre,
Thadikarankonam, Thovalai Taluk,
Kanniyakumari District. .. Petitioner

Vs.

1. The State of Tamil Nadu, Rep. by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai -600 009.
2. The Director of Public Health and Preventive Medicine,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Krishnankovil, Nagerkovil. .. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.144630/pa.tho.4/2006/iru.3, dated 08.01.2014 and the consequential proceedings issued by the third respondent in Na.Ka.No.7091/A1/2007, dated 20.01.2014 and to quash the same and consequently direct the respondents to re-instate the petitioner into service with consequential and other attendant benefits.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

O R D E R

<https://hcservices.courts.gov.in/hcservices/> This Writ petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second



respondent in Na.Ka.No.144630/pa.tho.4/2006/iru.3, dated 08.01.2014 and the consequential proceedings issued by the third respondent in Na.Ka.No.7091/A1/2007, dated 20.01.2014 and to quash the same and consequently direct the respondents to re-instate the petitioner into service with consequential and other attendant benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The brief facts that are necessary for the disposal of this Writ petition are as follows:-

The petitioner got appointment on compassionate ground pursuant to the death of his father on 13.08.1976. Though the petitioner had completed graduation in M.Sc., Zoology and M.Ed.,, due to the family circumstances, he applied for compassionate appointment after getting necessary certificates from the Tahsildar, Kalkulam. Ultimately, by proceedings of the second respondent in R.No.144630/E4/06/S3, dated 06.07.2007, the petitioner was appointed in the post of Junior Assistant on compassionate ground in Government Primary Health Centre, Thadikarakonam, Nagercoil Health Unit District. Nearly after 7½ years, by the impugned proceedings of the second respondent in Na.Ka.No.144630/pa.tho.4/2006/iru.3, dated 08.01.2014 and consequential proceedings of the third respondent in Na.Ka.No.7091/A1/2007, dated 20.01.2014, the petitioner was terminated from service. Challenging the same, the present Writ petition has been filed.

4. The main ground on which the petitioner challenges the impugned order is that the second respondent has neither issued show cause notice nor given any opportunity to the petitioner before issuing the impugned proceedings, dated 08.01.2014. On perusal of the impugned order, it shows that the petitioner was terminated on the ground that he was appointed on compassionate ground, nearly 23 years after the death of his father. The reasons for giving the appointment after a long period of time need not be explained by the petitioner and it is for the authorities who has passed the earlier order appointing the petitioner on compassionate ground. The second respondent is required to issue a show cause notice and give an opportunity to the petitioner before passing the order which will have serious civil consequences. Hence, on the ground of violation of principles of natural justice, the impugned order is liable to be quashed.

5. Hence, without going into the merits of the petitioner's case, the impugned order passed by the second respondent in Na.Ka.No.144630/pa.tho.4/2006/iru.3, dated 08.01.2014 and consequential proceedings order passed by the third respondent in Na.Ka.No.7091/A1/2007, dated 20.01.2014, are quashed and this Writ petition is allowed. However, liberty is preserved to the



respondents to initiate proceedings afresh against the petitioner in accordance with law. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St.George, Chennai -600 009.
2. The Director of Public Health and Preventive Medicine,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Krishnankovil, Nagerkovil.

+1CC to M/S.F.Deepak, Advocate, SR.No. 16760

+1CC to the Special Government Pleader SR.No. 16634

ORDER MADE IN
W.P. (MD) .No.1550 of 2014 and
M.P. (MD) No.2 of 2014
21.03.2017

pmu

AM/MR/SAR 4/28.04.2017/3P/6C



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