



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD)No. 1583 of 2011

and

M.P. (MD) Nos.2 and 3 of 2011 and 1 of 2012

K.Sivasamy

.. Appellant

Vs.

1.The Special Commissioner and
Commissioner for MCH & Welfare &
Mission Director,
State Health Society and Project Director,
Reproductive Child Health Project,
359, Anna Salai, DMS Complex,
Chennai - 600 006.

2.The Joint Director of Health Services,
Office of the Joint Director of Health Services,
166, North Beach Road, Thoothukudi.

3.The District Collector,
Thoothukudi District,Thoothukudi.

4.The Member Secretary,
District Health Society,
Thoothukudi &
Deputy Director of Health Services,
Thoothukudi.

5.The Deputy Director of Health Services,
Thoothukudi.

6.The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Kovilpatti, Thoothukudi District.

.. Respondents

PRAYER: W.A filed under Clause 15 of Letters Patent Act, to allow this writ appeal by setting aside the order passed by this Court in W.P. (MD).No.11646 of 2011 dated 12.10.2011.



Prayer in WP(MD) . 11646/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 4th respondent in connection with the impugned order of rejection passed by her in her Proceedings in R.No.7254/A1/2007 dated 25.07.2011 and quash the same as illegal and arbitrary and consequently direct the 4th respondent to reappoint the Petitioner by renewing the contracat in the post of Accounts Assistant within the time lime that may be stipulated by this Honourable Court.

For Appellant : Mr.K.Gurunathan
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal challenging the order dated 12.10.2011 dismissing W.P.(MD).No.11646 of 2011.

2.According to the appellant he was appointed as an Accounts Assistant. He was relieved from service by order dated 25.07.2011 by the fourth respondent herein.

3.It is no doubt true that writ petitioner was engaged on contract basis, but the engagement of the service of the writ petitioner and others was being renewed from time to time. But in the order impugned in the writ petition, it is mentioned that the lapses alleged against the writ petitioner were found to be proved and that therefore the writ petitioner's contract would not be renewed. Such an order is clearly stigmatic. If the respondents wanted to disengage the writ petitioner on the ground that there were lapses on his part, then the writ petitioner ought to have been put on notice. The authorities did not adopt such a course of action.

4.It appears that the writ petitioner had certain service grievances and had earlier filed a writ petition to ventilate the same. This Court can come to the conclusion that the respondents 3 and 4 have therefore chosen to victimise the writ petitioner by passing the impugned order.

5.It is submitted that the persons who were sponsored by the Employment Exchange and appointed along with writ petitioner continue to be engaged. Since this Court has found that the action of the authorities is clearly violative of the principles of natural justice, we quash the order dated 25.07.2011 issued by the fourth respondent in proceedings in R.No.7254/A1/2007. The fourth respondent is directed to renew the contract of the appellant/writ



petitioner in the post of Accounts Assistant without any delay.

6. It is made clear that the writ petitioner shall not have any claim monetary or otherwise, for the period from 25.07.2011 till his contract is renewed. The fourth respondent shall issue order renewing the writ petitioner's contract within four weeks from the date of receipt of a copy of this order.

7. We, therefore, set aside the order dated 12.10.2011 made in W.P. (MD). No. 11646 of 2011. This Writ appeal is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Special Commissioner and
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 5. The Deputy Director of Health Services,
Thoothukudi.
 6. The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Kovilpatti, Thoothukudi District.
- +1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 71678
DSK
JS/SKN.RSK/SAR.3/21.08.2017/ 3P-8C