



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

W.P. (MD) No. 2834 of 2018

and

W.M.P. (MD) . No. 3007 of 2018

S.Karunakaran

.. Petitioner

Vs.

1. The Commissioner,
Office of the Welfare of the Differently Abled,
Chennai - 78.

2. The District Collector,
Sivagangai District,
Sivagangai.

3. The District Welfare Officer of the
Differently Abled,
Office of the Welfare of the Differently Abled,
Sivagangai District,
Sivagangai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari Mandamus, to call for the records pertaining to the impugned order in Se.Mu.Na.Ka.No.1031/A/2014 dated 06.02.2018 passed by the third respondent and quash the same as illegal and consequently directing the second and third respondents to reinstate the petitioner on service with all attendance and monetary benefits.

For petitioner
For respondents

: Mr. PR.Boomeerajan
: Mr. J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2. The petitioner was appointed as a Driver on temporary basis in the office of the third respondent by order dated 26.05.2015. He has been permanently relieved from service by order dated 06.02.2018. Questioning the same, this writ petition has been filed.



3. When notice was issued to the respondents, it was submitted that the conduct of the petitioner is blameworthy and that therefore, he was relieved from his post. Though the petitioner was appointed only on temporary basis, he cannot not be summarily removed from service. The impugned order is having a punitive effect on the petitioner's right and career. The impugned order reads that the petitioner was permanently relieved from the said post. This will certainly have a civil consequence. Therefore, the third respondent should have issued a show cause notice and only after complying with the principles of natural justice taken action against the petitioner.

4. In this case, such an approach has not been adopted. Therefore, the order impugned in the writ petition is quashed. The third respondent is directed to reinstate the petitioner in service and liberty is of course given to the third respondent to take disciplinary action against the petitioner in accordance with law.

5. With such liberty the Writ Petition is allowed. No costs. Consequently, W.M.P. (MD). No. 3007 of 2018 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner,
Office of the Welfare of the Differently Abled,
Chennai - 78.
2. The District Collector,
Sivagangai District,
Sivagangai.
3. The District Welfare Officer of the
Differently Abled,
Office of the Welfare of the Differently Abled,
Sivagangai District,
Sivagangai.

+1cc to PR.Boomeerajan, Advocate Sr.No.50124

+1cc to The Spl. Government pleader Sr.No.50557

KMI

VB/JC/SAR4/22/05/2018/2P/6C