



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.13110 of 2013

WEB COPY

R.Kanchi Durai

... Petitioner

-vs-

1. The State of Tamilnadu,
Rep. By its Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-9.

2. The District Collector,
O/o.District Collectorate,
Dindigul District.

3. The Tahsildar,
Taluk Office,
Kodaikanal Taluk,
Dindigul District.

... Respondents

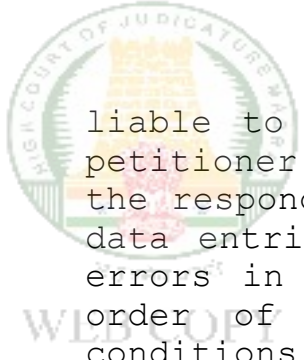
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in NA.KA.No.17256/2013/A3 dated 12.07.2013 passed by the Respondent No.2 and quash the same as illegal and to consequently direct the first respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.R.Sethuraman,
Special Government Pleader

O R D E R

The order of ousting issued by the second respondent vide proceedings, dated 12.07.2013 is under challenge in this writ petition.

2.The writ petitioner was appointed as Data Entry Operator vide proceedings, dated 04.07.2008 and joined in service on 11.07.2008 at Kodaikanal Taluk on consolidated pay basis. The petitioner was allotted to work under the CTC (Free Color Television Distribution Scheme) Scheme Data Entry works now called as FMG (Free Fan Mixie Grinder) Scheme. To enter the beneficiaries list under the said scheme for those eligible for Free Fan Mixie grinder as per the Government announcement, the writ petitioner was appointed as contractual basis and as a temporary employee. Thus, the services of the writ petitioner is



liable to be discharged without assigning any reason. The writ petitioner was assigned to perform certain Data Entry works and the respondents found that the writ petitioner had not entered the data entries properly. Since the authorities found that certain errors in the works performed by the petitioner, they issued an order of discharge vide proceedings, dated 12.07.2013. The conditions of appointment are unambiguous that the appointment is purely temporary and the writ petitioner cannot claim any preference. Consolidated salary of Rs.4,000/- was paid and the services can be terminated even without any notice. Such being the condition of service, there is no reason to interfere with the order of ousting issued by the respondents.

3.The learned counsel for the petitioner states that the order of termination is not simpliciter. It contains certain allegations against the writ petitioner. Since misconduct is attributed at-least an enquiry ought to have been conducted. On a perusal of the order impugned, this Court is of an opinion that in respect of dereliction of duty, a show cause notice and an opportunity ought to have been provided to the writ petitioner. However, no such opportunity was provided.

4.The learned Special Government Pleader is of an opinion that the writ petitioner was appointed on contract basis and his services are liable to be terminated without any basis. The writ petitioner had not performed duties to the satisfaction of the higher officials and therefore, his services are terminated on recording the irregularities committed by the writ petitioner.

5.This Court is of an opinion that when the order of termination is passed with certain allegations, the writ petitioner is entitled for an opportunity to defend his case. However, no such notice was provided to the petitioner complaining with the principles of natural justice. Accordingly, the order impugned issued by the second respondent vide proceedings, dated 12.07.2013 is quashed and the matter is remitted back to the second respondent to issue notice to the writ petitioner and on receipt of such explanation/objections, a decision shall be taken and a final order is to be passed, within a reasonable period of time.

6.Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/



To

1. The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-9.

2. The District Collector,
O/o. District Collectorate,
Dindigul District.

3. The Tahsildar,
Taluk Office,
Kodaikanal Taluk,
Dindigul District.

+1cc to Mr. T. Lajapathi Roy, Advocate Sr.No. 51698

+1cc to Spl. Government Pleader Sr.No. 52022

AM

VB/SV/MMS/SAR4/20.03.2018/3P/6C

W.P. (MD) No. 13110 of 2013
27.02.2018