



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P (MD) No.6177 of 2011

Peter A.Xavier

... Petitioner

Vs.

1. The Project Director,
Tamil Nadu State Aids Control Society,
No.417, Pantheon Road, Egmore,
Chennai - 600 008.
2. The District Collector,
Chairman,
District Aids Prevention & Control Unit,
Thanjavur, Thanjavur District.
3. The District Project Manager,
District Aids Prevention & Control Unit,
Thanjavur,
Panagal Building, Collectorate,
Thanjavur.

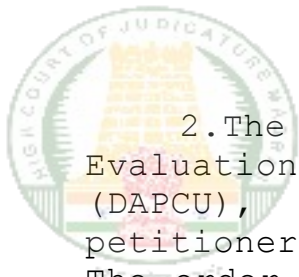
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 1st respondent in Lr.No.07582/A19/Estt/TANSACS/2010 dated 02.06.2011 and quash the same and consequently direct the respondents herein to forthwith reinstate the petitioner in service as Monitoring and Evaluation Assistant with arrears of salary and all other monetary benefits accrued to the service of the petitioner within a reasonable time.

For Petitioner	: M.Rajarajan
For Respondent -1	: Mr.T.Balaji
For Respondent -2	: R.Sethuraman, Special Government Pleader

ORDER

The order of rejection dated 02.06.2011 is under challenge in this writ petition.



2.The writ petitioner was appointed as Monitoring and Evaluation Assistant (M & E) Aids Prevention and Control Unit (DAPCU), Collectorate, Thanjavur, on 16.12.2009. The writ petitioner was appointed on contract basis and on certain terms. The order impugned in this writ petition states that the services of the write petitioner was terminated, on account of disobedience to the instructions given by the Project Director and show cause notice was issued to the writ petitioner and explanation was submitted by the writ petitioner denying the allegations. However, it was found that the explanation given by the writ petitioner was vague. Further the writ petitioner was continuing in the service only on the basis of the terms and conditions of the contract and agreement. However, the writ petitioner was engaged as a contract employee and he cannot claim any right for permanent absorption or regularisation.

3.This being the factum of the case, this Court is of an opinion, that the show cause notice provided is an opportunity to the writ petitioner to submit his explanations/objection to prove his innocence and even non-satisfactory performance is also a ground for ousting the services of the writ petitioner. It is visible that the services of the writ petitioner was not satisfactory to the authorities competent. This being the factum of the case, there is no reason to interfere with the order impugned in this writ petition. Accordingly, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition.

4.In the result, the writ petition stands dismissed. However, there shall be no orders as to costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Chairman,
District Aids Prevention & Control Unit,
Thanjavur, Thanjavur District.
2. The District Project Manager,
District Aids Prevention & Control Unit,
Thanjavur,
Esamangudi, Collectorate,
Thanjavur.



+ 1 cc TO Mr.T.Balaji , Advocate in SR No. 46484

+ 1 cc TO The Special Government Pleader in SR No. 46886

dsk

AE/JC/SAR1/19.02.2018/3P/5C

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