

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09-09-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.30192 of 2008

A.M.Kennedy

.. Petitioner

vs.

1.The Registrar,
Anna University,
Chennai-600 025.

2.The Executive Warden,
Alagappa College of Technology Hostels,
Anna University,
Chennai-600 025.

3.The Labour Officer-III,
Kuralagam,
Chennai-600 108.
.. 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 pertaining to the termination order of the petitioner dated 15.12.2008 on the file of second respondent herein and quash the same as illegal and direct the first and second respondents to provide continuous employment to the petitioner.

For Petitioner : Mr.R.Sankarasubbu

For Respondents-1&2 : Mr.V.Govardhanan
for
M/s.Row and Reddy.

For Respondent No.3 : Mr.M.Elumalai,
Government Advocate.

O R

D E R

The relief sought for in the present writ petition is to call for the records pertaining to the order of termination dated 15.12.2008 passed by the second respondent and for a further direction to provide employment to the writ petitioner.

2. The writ petitioner was appointed as a Clerk on 20.06.1990 in the second respondent-Hostel and was continuing in service. The writ petitioner was promoted as Accountant and thereafter to the post of Manager. The writ petitioner states that he along with some other workmen formed a Trade Union and raised an industrial dispute for confirmation of their services under the Permanent Status Act. Under those circumstances, the second respondent has taken personal vengeance against the writ petitioner and an order of termination was issued. Challenging the said termination order, the present writ petition is filed by the writ petitioner.

3. The impugned order of termination dated 15.12.2008, which is enclosed in page No.11 of the typed set of papers, reveals that the writ petitioner was terminated from Hostel Services with immediate effect for his immoral behaviour in the A.C. Tech. Hostel premises.

4. The learned counsel appearing on behalf of the respondent-Management made a submission that the writ petitioner committed an act of misconduct regarding sexual harassment in the Hostel premises and therefore, he was terminated from service. However, the validity of the order cannot be tested under a writ petition, as the issues are disputed, which requires an adjudication from the Competent Forum. Such disputed facts and circumstances cannot be adjudicated in writ proceedings under Article 226 of the Constitution of India.

5. This apart, Alagappa College of Technology Hostels, which is a private Hostel, is being administered by the Students' Committee known as 'Hostel Committee' and with the assistance of University officials. However, the writ petitioner has to exhaust the remedies

available under the Statute as well as under law, no writ petition can be entertained against an order passed by the Executive Warden, Alagappa College of Technology Hostels.

6. In this regard, the writ petitioner has to approach the Competent Forum for the purpose of adjudicating the disputed issues for redressing his grievances. The writ petitioner is at liberty to approach the Competent Forum, if he is chosen to do so.

7. This being the factum, the writ petition cannot be entertained and accordingly the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn
To

1.The Registrar,
Anna University,
Chennai-600 025.

2.The Executive Warden,
Alagappa College of Technology Hostels,
Anna University,
Chennai-600 025.

3.The Labour Officer-III,
Kuralagam,
Chennai-600 108.

+1 cc to Government Pleader Sr.No. 78429

+1cc to Mr.R.Sankarasubbu , Advocate SR.No. 78190

+1cc to M/s.Row and reddy , Advocate SR.No. 77958

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A.SK(01/10/2019)