



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.1151 of 2014

M.Karthi

... Petitioner

Vs.

1.The Director,
Tamil Nadu State Planning Department,
Chennai-600 006.

2.The District Chief Educational Officer,
Dindigul District,
Dindigul.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings issued by the second respondent in his proceedings No.Na.Ka.NO.1545/AA2/2013 dated 16.07.2013 and quash the same and consequently direct the second respondent to reinstate the petitioner and pay all the benefits from the date of dismissal till his retirement.

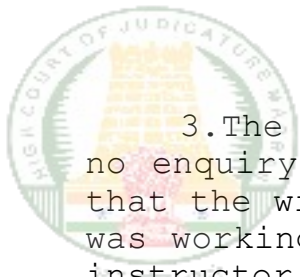
For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

ORDER

The order of termination dated 16.07.2013 terminating the services of the writ petitioner is under challenge in the present writ petition.

2.The writ petitioner was appointed as part time computer Instructor on consolidated pay salary during the year 2012. The writ petitioner was appointed on 02.03.2012 was involved in a criminal case under the Women Harassment Act. The writ petitioner was kept in custody and accordingly, he was relieved from service by way of an order of termination.



3.The learned counsel for the petitioner made a submission that no enquiry was conducted. This Court is of the considered opinion that the writ petitioner was not a full member of the service and he was working as part time computer instructor. A part time computer instructor working on consolidated pay salary is not amenable to the provisions of the discipline and appeal rules, which is otherwise applicable to the regular permanent Government servants. In view of the fact that the order of termination was issued based on the fact that the services of the writ petitioner was not satisfactorily as he was involved in a criminal case, more specifically, under women harassment Act.

4. This Court is of the considered opinion that no relief can be granted. The order impugned is to be construed as termination simpliciter based on the conduct of the writ petitioner, who was appointed as part time computer instructor and therefore, this Court cannot issue any direction for reinstatement. Mere acquittal in the criminal case would also not a ground for reinstatement, because the petitioner is working only as part time computer instructor.

5. With these observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Director,
Tamil Nadu State Planning Department,
Chennai-600 006.

2.The District Chief Educational Officer,
Dindigul District, Dindigul.

+1 CC to M/s.SPL GP (SR-81187[F] dated 09/08/2019)

+1 CC to M/s.G. GOMATHI SHANKER, Advocate (SR-81429[F] dated 13/08/2019)

W.P. (MD)No.1151 of 2014
08.08.2019

am

JMN(22.08.2019) 2P : 5C