



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)NO.3851 OF 2011
and
M.P(MD)Nos.1 and 2 of 2011

P.Murugan :Petitioner

.vs.

1.The Director of Rural Development,
Chennai.

2.The Project Director,
Vazhndhukattuvom Project,
91, St.Mary's Road,
Abiramapuram,
Chennai-18.

3.The District Project Manager,
Vazhndhukattuvom Project,
Tirunelveli District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the third respondent in his proceedings in Na.Ka.No.A1-278/2011, dated 2.3.2011 and to quash the same and to direct the respondents to allow the Petitioner to continue as Facilitator.

For Petitioner : Mr.V.Panneerselvam
for M/s.C.S.Associates

For Respondents : Mr.C.Ramar
Addl.Govt.Pleader

O R D E R

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus to quash the order passed by the third respondent in his proceedings in Na.Ka.No.A1-278/2011, dated 2.3.2011 and to direct the respondents to allow the Petitioner to

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continue as Facilitator.

2.The case of the Petitioner is that the respondents have called for applications from candidates by paper advertisement to fill up the post of Facilitator in Vazhndhukattuvom Scheme, sponsored by the Government of Tamil Nadu, which was meant for the up-liftment of rural, incapacitated, handicapped and old age people and alleviate disappointment occupied in their mind and to face all hurdles in life. The Petitioner has also applied for the same. In respect of the selection to the said post, test was conducted on 22.2.2009 and on 23.2.2009 group discussion was held. After the said interview, the Petitioner was selected to the said post and appointed as Facilitator on 19.6.2009 on consolidated pay of Rs.7,000/- per month for a period of two years and after the said period, the said post will be renewed or terminated. The Petitioner was posted in the Sankarankoil Panchayat Union and joined on 20.6.2009. Every Union will be divided into three groups and each group has one team leader and five facilitators and as such, 20 persons were selected and appointed to the said Panchayat Union. The Petitioner was allotted to Veerasikamani cluster of village along with others. The Petitioner is now working in Gangaikondan team. While so, on 2.3.2011, the Petitioner was relieved from the said post on the ground that his work was not satisfactory as per the Performance Appraisal. However the third respondent has not pointed out any specific reason in the said order and ought to have given an opportunity to put-forth his case and call for explanation from the Petitioner. Hence the Petitioner has come forward with this Writ Petition for the relief stated supra.

3.The third respondent has filed a detailed counter denying all the averments made in the affidavit filed in support of the Writ Petition and para-wise remarks were made by stating that the Petitioner herein was recruited through the Human Resource Agency on contract basis and joined as Facilitator in Tirunelveli Project District on 20.6.2009 and his employment was made purely on contract basis, for a period of two years from 20.6.2009 to 19.6.2011. It is further stated among other things that the performance of the Petitioner was very poor in doing the project work and he was also warned to improve his performance and he was given 16 marks out of 100 marks while other members in the said team had scored marks to the range of 58 to 65 marks out of 100 marks. Hence the case of the Petitioner cannot be compared with them and thus the third respondent prayed for dismissal of the Writ Petition.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



5.A perusal of the records would show that the petitioner was appointed in the post of Facilitator in the project named Vazhndhukattuvom Project on 20.6.2009 for a period of two years and his two years period got expired on 19.6.2011. The Petitioner was recruited purely on contract basis through Human Resource Agency and the authorities in charge of the Facilitators have conducted regular performance appraisal of every Facilitator in their group. While so, the Petitioner was terminated from service on 2.3.2011 on the ground of poor performance in the project work. The termination of the Petitioner is not on any allegations levelled against him but on account of his poor performance in the project work. It is further seen that the authorities concerned on assessment of the work done by the Petitioner, has warned him to improve the performance and has got only 16 marks out of 100 while the others in the said team has got marks ranging from 58-65 marks. However, the others have been warned with an advise for better performance without remuneration increase. However the Petitioner cannot be compared with them when he scored only 16 marks out of 100 marks in the performance assessment. Hence the order impugned herein is passed after assessing the work done by the Petitioner in an elaborate manner in the said project and thus, it does not warrant any interference by this Court.

6.Further it is informed by the learned counsel that the Petitioner has now engaged in another project. Even assuming that the Petitioner has now engaged in another project and it is found that the project in which he was working had also become defunct, as it is a time bound World Bank Funded Project. Because of the poor performance in the said project by the Petitioner lead to his termination from the said project. Hence this Court is not inclined to entertain this Writ Petition as the project itself is closed and nothing survives for adjudication and hence, the same deserves dismissal.

7.For all the above reasons, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(AS)

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/ /2020

Sub Assistant Registrar(CS)

vsn

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+1 CC to M/s.C.S.ASSOCIATES, Advocate (SR-12071[F] dated
17/03/2020)

+1 CC to M/s.SPL GP (SR-12275[F] dated 18/03/2020)

ORDER MADE IN
W.P (MD) NO.3851 OF 2011
and
M.P (MD) Nos.1 and 2 of 2011

17.03.2020

KG (CO)
TR(11.06.2020) 4P 6C