



WEB COPY

W.P(MD) No.14290 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2020**

CORAM:

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

W.P. (MD) No.14290 of 2019

and

W.M.P. (MD) No.10740 of 2019

M.Devakumar

... Petitioner

/vs./

The Registrar,
Tamil University,
Thanjavur-613 010.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, calling for the records relating to the impugned order issued by the respondent in Na.Ka.No.E4/6242/2017 dated 03.12.2017 and to quash the same and consequently directing the respondent to reinstate the petitioner into service in the post of Revenue Assistant in the respondent University with all consequential and other attendant benefits including regular time scale of pay and with extension of benefits as per G.O.Ms.No.246, Tamil Development, Charitable and Information Department dated 12.06.2007 and G.O.Ms.No.151, Social Welfare and Nutritious Meal Programme Department, dated 16.10.2008.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.K.Ragatheesh Kumar
for M/s.Issac Chamber



ORDER

It is the case of the petitioner that he was appointed to the post of Research Assistant on consolidated pay in the year 2003. According to the learned counsel for the petitioner, as per G.O.Ms.No.151 dated 16.10.2008, he ought to have been brought into regular establishment with the regular time scale of pay. In this background, the petitioner herein appears to have been called for an enquiry by the Enquiry Committee on 31.10.2017 in the respondent University and consequently, by impugned order dated 03.12.2017 the respondent had terminated the petitioner services from the post of Research Assistant on the grounds that the petitioner's work in the post of Research Assistant was not satisfactory and that the Thesis report submitted by him was returned after evaluation by the Associate Professors and also that he had caused disturbance to the Teachers working in the University.

2.The learned counsel for the petitioner would submit that no proper enquiry was conducted and the impugned order of termination came to be passed without affording due opportunities.

3.The learned counsel appearing for the respondent would on the other hand submit that the impugned order of termination came to be passed based on the report of the Enquiry Committee and since the petitioner was given opportunity to participate in the enquiry, the impugned order cannot be found fault with.

4.A perusal of the impugned order does not reveal consideration of the objections that could have been raised by the petitioner during the course of the enquiry. The very purpose of subjecting an employee to an enquiry is to consider the objections raised by them and any decision taken thereon should reflect the reasons assigned for non-consideration of the objections by such an employee. In the instant case, the impugned order does not state anything about the petitioner's objection with regard to the enquiry, but merely relies upon the report of the Enquiry Committee. As such, it can be termed to be in violation of principles of natural justice as well as a non-speaking order. While that being so, it would be appropriate to remit the matter back to the respondent for fresh consideration, after giving due opportunity to the petitioner.

5.In the light of the above observations, the impugned order in Na.Ka.No.E4/6242/2017 dated 03.12.2017 is set aside. Consequently, the Enquiry Committee under the respondent University shall conduct a fresh enquiry after giving due opportunity to the petitioner and on consideration of such objection of the petitioner, if any, a report shall be submitted before the University for further course of action. The process of completing the enquiry shall be made atleast within a period of three months from the date



of receipt of a copy of this order. This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (CS III)

/ /2020

Sub Assistant Registrar(CS)

cp

To:-

The Registrar,
Tamil University,
Thanjavur-613 010.

+1 CC to M/s.G.SANKARAN, Advocate (SR-2094[F] dated 21/01/2020)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-2103[F] dated
21/01/2020)

Order made in
W.P. (MD) No.14290 of 2019
and
W.M.P. (MD) No.10740 of 2019

KK/SAR/03.02.2020/3P-4C/