



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.10474 of 2015

and

M.P. (MD) Nos.1,2,3 and 4 of 2015

P.Nagarajan

... Petitioner

-Vs-

1.The Registrar,
Madurai Kamarajar University,
Palkalai Nagar,
Madurai 625 021.

2.The Head of the Department,
Centre for Film and Electronic Media Studies
Madurai Kamarajar University,
Palkalai Nagar,
Madurai 625 021.

... Respondents

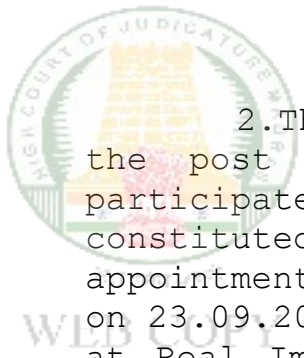
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned notification dated 10.06.2015 regarding the application for the post of Technician (Sound Engineering and Recording) on the file of the second respondent and quash the same and further directing the respondents to continue to work as Technician (Sound Engineering and Recording) in the Centre in terms of the appointment order, dated 14.09.2013.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.T.Sakthikumaran

ORDER

The relief sought for in the present writ petition is to quash the notification, dated 10.06.2015, regarding application for the post of Technician (Sound Engineering and Recording) and direct the respondents to allow the writ petitioner to continue in service in terms of the appointment order, dated 14.09.2013.



2.The petitioner states that he applied for appointment to the post of Technician (Sound Engineering and Recording). He participated in the interview conducted by the selection committee constituted by the respondents and was selected. An order of appointment was issued on 14.09.2013 and the petitioner joined duty on 23.09.2013. The writ petitioner was sent for training at Chennai at Real Image Media Technology. On successful completion of the training, he was issued with a certificate. The petitioner joined in the University on 23.10.2014. The grievances of the writ petitioner is that he was not allowed to continue in service and an order of termination was issued. He was working on temporary basis on consolidated pay. Under those circumstances, he submitted a representation on 02.01.2015 requesting the respondents to provide him work as per the appointment order. Since there was no response from the respondents, the petitioner filed the present writ petition.

3.The second respondent filed a detailed counter affidavit disputing the contentions raised by the writ petitioners and it is categorically stated in Paragraph Nos.15, 16, 17 and 18 are extracted hereunder:-

"...15.I submit that the petitioner having worked for just 6 months, did not show much interest in the job and he was unauthorizedly absent from duty (i.e. without prior permission/intimation to the respondents) on 15.05.2015 and 16.05.2014 and hence, action was initiated against the petitioner and the memo dated 30.05.2014 was issued to him calling for explanation for the above unauthorized absence and the consolidated pay to the petitioner was not claimed for 5 days during the month of May 2014 for the petitioner.

16.I submit that in the meanwhile, it was found that the petitioner was not sincere and proper in his work and absconding during the office hours without intimation/permission of the second respondent and hence, on 23.05.2014, the second respondent issued suitable written direction to the petitioner

"to report to the second respondent every day on or before 10.30 A.M. (i.e. on the starting of working hours) and to take directions on the works to be carried out for the day/week and to report the status of work completed by 5.45 p.m. every day (i.e. at the



closing of the working hours) and to report to duty on 25.05.2014 to oversee the works underway in the sound mixing theatre and report the developments by evening 5.45 p.m. without fail."

17.I submit that the petitioner has submitted his reply dated 30.06.2014 accepting that he had attended interview at the "Film and television Institute of India, Pune" on 15.05.2014 without permission of the respondents and also prayer to excuse him. Thus, the petitioner taking advantage of the specialized training given by the respondent-University at the cost of the University and also the use of high and equipments available at the University has chosen to find a better job that too without the knowledge of the University and absenting himself to duty from 14.05.2014 to 18.05.2014 and leaving the work place without the permission of the second respondent, which are violations of the service rule and grave misconducts.

18.I submit that the petitioner did not turn up for duty from 09.09.2014 without the permission or intimation to the respondents and it was expected that he had gone for interview elsewhere as he did earlier but he neither turned up for duty nor sent any communication and he remained unauthorized absence from 09.09.2014. The discreet enquiry reveals that the petitioner was working elsewhere for better income as he is a Sound Engineer which is most required in all the Media Productions, Advertisements etc., as he was appointed on purely temporary basis in the respondent University. Thus, it became clear that the petitioner has chosen to ride two horses at a time i.e. keeping his employment at the respondent-University and to earn from outside works. In as much as the employment of the petitioner was purely temporary and terminable at anytime, the second respondent took it granted the unauthorised absence of the petitioner as his voluntary willful discontinuance of his temporary job.."

4.The above narration in the counter affidavit filed by the second respondent reveals that the petitioner was appointed as a temporary employee on consolidated pay and he had not shown any interest in continuing the said job and went to Pune and he attended



another interview. The performance of the writ petitioner in the respondents institute was assessed by the higher officials and accordingly, his services were dispensed with.

5. In view of the fact that the petitioner was appointed only as a temporary employee on consolidated pay, he cannot claim any further right for any appointment or continuance. The fact narrated in the counter affidavit reveals that the petitioner has not shown any interest or dedication in continuing the employment and this being the factum established, the petitioner is not entitled for the relief as such sought for in the present writ petition.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

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Sub Assistant Registrar(CS)

sj*i*

TO

1. The Registrar,
Madurai Kamarajar University,
Palkalai Nagar,
Madurai 625 021.

2. The Head of the Department,
Centre for Film and Electronic Media Studies
Madurai Kamarajar University,
Palkalai Nagar,
Madurai 625 021.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-20387[F] dated 16/10/2020)

W.P. (MD) .No.10474 of 2015
15.10.2020

SJ(CO)

TR(02.11.2020) 4P 4C