



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 16.02.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.37110 of 2007

R.S.Venkatesan

... Petitioner

Vs.

1.State Project Director,
Vazhthu Kattuvom Tittam,
State Project Office,
Abhiramapuram, Chennai-18.

2.District Project Manager,
Department of Rural Development,
Vazhthu Kattuvom Thittam,
19, Mariya Susai Nagar,
Pudupalayam,
Cuddalore, Cuddalore District.

3.S.Rajan Babu

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari calling for the records pertaining to the order passed by the 2nd respondent in his proceedings Roc.No.A2/57/07 dated 21.11.2007 and quash the same.

For Petitioner : Mr.P.Ganesan
for Mr.T.Sellapandian

For Respondents : Mr.K.Magesh
Special Government Pleader

ORDER

The prayer sought for herein is to issue a writ of certiorari calling for the records pertaining to the order passed by the second respondent in his proceedings Roc.No.A2/57/07 dated 21.11.2007 and quash the same.

2.The Government of India sponsored a Scheme keeping in mind of the rural uneducated, particularly in Women folk, who are widows/deserted, physically handicapped and economically struggling even for a single meal section, that is why, the



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7.However, Mr.K.Magesh, learned Special Government Pleader appearing for the respondents would submit that, insofar as the petitioner is concerned, what was the charge framed against the petitioner has been accepted by the petitioner and in this context, whether the petitioner had received the said amount from eight village panchayats to the extent of Rs.31,740/- for his personal gain or conducting the cultural programme might be a question, but that has not been discussed and that was not the issue before the Enquiry Officer. Therefore, the learned Special Government Pleader would submit that, the charge made against the petitioner, since has been accepted by the petitioner for having collected the money, was considered to be proved and accordingly the punishment of removal from the post was made by the second respondent, hence, the said order can very well be sustained.

8.However, the learned Special Government Pleader appearing for the respondents would also submit that, initially the programme was called as Vazhnthu Kattuvom Thittam, it has been renamed as Pudhu Vazhvu Society, where, these people who were working in the Vazhnthu Kattuvom Scheme had been adopted and the Scheme went on for some further years also and ultimately, in the year 2016, the Scheme came to an end and exactly on 30.06.2017 the Scheme was completely closed and this was published by the competent authorities. Therefore, after 30.06.2017 there was no Scheme called either Vazhnthu Kattuvom Thittam or Pudhu Vazhvu Society.

9.The learned Special Government Pleader in this regard would further contend that, apart from the present writ petition where the petitioner had challenged the order of removal of him from the post of Team Manager, several similarly placed persons numbering 330 who had also been engaged in the said Scheme since had been ousted by virtue of the Scheme came to be closed as stated above in the year 2017, had come to this Court and filed a batch of writ petitions in W.P.No.1131 of 2018 etc. batch in the matter of C.Sakthivel and others Vs. The Secretary to Government, Finance Department, Fort Saint George, Chennai - 9 and others.

10.Those writ petitions were grouped together and heard by a learned Judge of this court and after hearing the parties, the learned Judge by final order dated 03.10.2018 has concluded that, those petitioners like the petitioner herein were engaged on contract basis under the Scheme and once the Scheme was closed and it was publicly announced that it was closed by 30.06.2017, the question of giving any representation by absorbing in any other Government Department as of now does not arise and therefore, the plea raised by those petitioners in the said batch of writ petitions were rejected by the learned Judge.



11. The learned Special Government Pleader would also submit that, however, the learned Judge in the operative portion of the order dated 03.10.2018 has made an observation that, in case of any such future engagement or appointment is required to be made for similar Schemes or in other programme, the petitioners in that writ petitions, i.e., their candidature can be considered for engaging or appointing them on contract basis or on any other basis.

12. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

13. Insofar as the charge made against the petitioner is concerned, apart from the sum of Rs.31,000/-, he received from the Project Director for the purpose of conducting cultural programme in eight villages, he also collected a sum of Rs.31740/- from the concerned Village Presidents of the eight villages where the cultural programme conducted.

14. In this context, it is the definite case of the petitioner that he did receive that money of Rs.31,740/- from eight Presidents and in this regard, the following table would reveal that what was the money paid by each of the Village Presidents to the cultural programmes.

t/ vz;/	Cuhl;rpapd; bgah;	epfH;r;rp ehs;	bjhif (U:/)
1	tp\$akhefuk;	05/03/07	7.900
2	nfh/g{tD}h;	08/03/07	3.300
3	bghpatltho	09/03/07	5.700
4	nfhtpyD}h;	10/03/07	2.100
5	o/khtple;jy;	12/03/07	2.925
6	rpWtk;g{h;	13/03/07	2.400
7	vilr;rpj;J}h;	14/03/07	3.450
8	fh;ej;jk;	16/03/07	3.965
TLjy;			31.740

15. The learned counsel appearing for the petitioner would also ascertain that, the sum of Rs.31,000/- paid to the Project Director is only for charges payable to the participants of the cultural programme, for which, the voucher has been sent by the petitioner to meet out the expenses, but at the same time, the petitioner had received Rs.31,740/- in addition from the eight Village Presidents, for which, the defence of the petitioner is



that, the Rs.31,000/- amount earmarked for conducting the cultural programme is only to pay the members who participated in the cultural programme, however, for bringing those people to each and every village during the day when the cultural programme was conducted and to provide food and other requirements to them, there has been no provision made by the Project Director and that kind of provision would not come within the Rs.31,000/- allotted in this regard. Therefore, in each and every village, when the cultural team was brought to the village, the panchayat president voluntarily came forward to meet out the expenses of food and logistics. Therefore, in this regard, the said amount of Rs.31,740/- mentioned in the charge has not been received by the petitioner for his personal gain, therefore, the question of violating the Code of Conduct in this regard does not arise.

16.I find force in the said contention made by the learned counsel appearing for the petitioner. If a team of people are taken to villages definitely there must be logistics support and if they have to stay in the village to conduct the cultural programme definitely they shall be provided with food. In order to meet out these expenses, definitely there must be a provision by the Project Director who conduct the Scheme called 'Vazhnthu Kattuvom Thittam'. However, there is no such provision for meeting out these expenses, hence, naturally these miscellaneous expenses have to be shared only by the head of the village i.e., the Village Presidents who seems to have come voluntarily and paid that amount to meet out the expenses. Therefore, in this context, it cannot be construed that, the said amount of Rs.31,740/- was received by the petitioner for his personal gain. Therefore, in that score, the charge framed against the petitioner cannot stand and based on which, the petitioner ought not to have been removed from the post of Team Manager.

17.Be that as it may, now much water has flown under the bridge, during the pendency of the writ petition, where, the very Scheme Vazhnthu Kattuvom Thittam subsequently renamed as "Pudhu Vazhvu Society", came to an end by 30.06.2017.

18.In this context, when batch of writ petitions came up before a learned Judge of this Court, while disposing those writ petitions, by order dated 03.10.2018, as cited supra, the learned Judge has passed the following order.

"12. The learned counsel for the petitioners states that the petitioners are claiming to accommodate them in any other future projects to be implemented by the State. In this regard, it is made clear that in the event of commencement of any other new projects, the case of the writ petitioners also shall be considered



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along with all other candidates who are all submitting the respective applications to participate in the process of selection. The case of the petitioner shall also be considered on merits and in accordance with law and on par with other similarly persons who are applying for such contract appointments."

19. Therefore, the question of giving any re-employment does not arise to any of the person like the petitioners who were engaged in the said Scheme.

20. However, it was observed by the learned Judge that, in the event of commencement of any other new projects, the case of the writ petitioners i.e., petitioners in the batch of writ petitions, was directed to be considered.

21. Taking clue from the said order passed by the learned Judge, with which, I am in respectful agreement, this Court feels that, if at all the termination is taken place in the case of the petitioner pursuant to the impugned order, the same shall not be treated with stigmatic termination and it can only be treated as termination simpliciter.

22. In view of such termination simpliciter, now the petitioner also has been placed on par with the other petitioners who had been subsequently ousted by closing of the Scheme by 30.06.2017. Therefore, what has been observed by the learned Judge in para 12 of the order dated 03.10.2018, as quoted above, shall equally be applicable to the case of the petitioner also. Therefore, this writ petition is disposed of with the following order.

(i) That the impugned order of termination on the ground of proven charge against the petitioner shall not stand in legal scrutiny, therefore, the said termination order in view of the subsequent development can be construed only as termination simpliciter and there is no stigmatic aspect is attached with the impugned order.

(ii) In that view of the matter, the petitioner shall be entitled to claim the benefits of consideration in any future appointment or engagement as that of the other employees who had been engaged on contract basis under the aforesaid Scheme called Vazhnthu Kattuvom Thittam and Pudhu Vazhvu Scheme and were ousted by closing of the Scheme dated 30.06.2017.

23. With these observations and directions, this Writ Petition is ordered accordingly. However, there shall be no



order as to costs.

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Sd/-

Assistant Registrar (CS-IV)

Sub Assistant Registrar

Sgl

To

- 1.State Project Director,
Vazhnthu Kattuvom Tittam,
State Project Office,
Abhiramapuram, Chennai - 18
- 2.District Project Manager,
Department of Rural Development,
Vazhnthu Kattuvom Thittam,
19, Mariya Susai Nagar,
Pudupalayam,
Cuddalore, Cuddalore District.

+1cc to Mr.K.Magesh, Advocate, S.R.No. 8894

+1cc to Mr.C.S.Associates, Advocate, S.R.No. 9147

W.P.No.37110 of 2007

UM(CO)
GN(15/07/2021)