

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5682 of 2021

and

W.M.P.No.6300 of 2021

V.Krishnan

.. Petitioner

-vs-

The Principal District Judge,
Tiruvannamalai District.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of the respondent in his proceeding Dis.No.6288/2018A dated 09.10.2018 and quash the same and consequently direct the respondent to reinstate the petitioner in service and treat the interregnum period as duty period with all back wages and other attendant benefits.

For Petitioner : Mr.K.Raja

For Respondent : Mr.M.Kempuraj

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner, who was engaged as a night watchman on "purely temporary basis", complains of his services being terminated by a terse intimation of October 9, 2018.

2. The petitioner complains of the stigma attached to the termination and says that, in all fairness, the Principal District Judge, Tiruvannamalai ought to have directed an inquiry to be conducted into the working of the petitioner before unceremoniously terminating his services.

3. Ordinarily, when a person has been engaged on temporary basis, the person is on perennial notice that his temporary engagement may be undone at any point of time. In such an engagement, no right inheres in the person to continue with the temporary job. It is the subjective decision of the employer to terminate the services that has to be accepted. However, at times it is the conduct of the temporary employee that impels

the employer to terminate the services by levelling some form of accusation.

4. When a temporary employee is terminated upon some accusation being made, the same attaches a degree of stigma. In such a scenario, it is some times said that the accusation must be looked into and the concerned person given a chance to prove his innocence before termination is effected. However, the rule would not apply in a scenario where no stigma is attached to the termination and the employer merely indicates that the continuation of the temporary employee in service is no longer necessary.

5. The three-line notice in the present case is set out: "The Service of Thiru.V.Krishnan, Night Watchman, Principal District Munsif Court, Cheyyar appointed on purely temporary basis is terminated as his service is no longer required to the District Judiciary on the Afternoon of 09.10.2018".

It will be evident that the temporary employment was terminated on the ground that the services was no longer required. The letter of termination did not blame or accuse the petitioner of anything untoward. No stigma attaches to the temporary employee. At the end of the day, it is the complete unilateral choice of the employer whether to continue with the services of a temporary employee or not. The employer in this case has indicated that the services are no longer required.

6. There is no basis to the petitioner's grievance. W.P.No.5682 of 2021 is dismissed. There will be no order as to costs. Consequently, W.M.P.No.6300 of 2021 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

The Principal District Judge,
Tiruvannamalai District.

+lcc to Mr.K.Raja, Advocate, S.R.No.16558.

+lcc to the Government Pleader, S.R.No.17134.

W.P.No.5682 of 2021

CSR 30.03.2021