



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2021

CORAM :

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**THE HON`BLE MR.JUSTICE B.PUGALENDHI**

W.P(MD) No.22012 of 2021 and  
WMP(MD) Nos.18612 & 18613 of 2021

T.M.Mukesh

Petitioner

Vs.

1.The District Chairman / District Collector,  
District Health Society,  
National Tuberculosis Elimination Program,  
Kanyakumari District.

2.The Deputy Director of Medical Services (TB),  
District TB Centre, Asaripallam,  
Kanyakumari District.

3.The Enquiry Officer / Deputy Director of  
Medical Services (TB),  
Madurai District.

Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the enquiry report, dated 02.11.2020, made by the third respondent and quash the same.

For Petitioner

:Mr.D.Venkatachalam

For Respondents

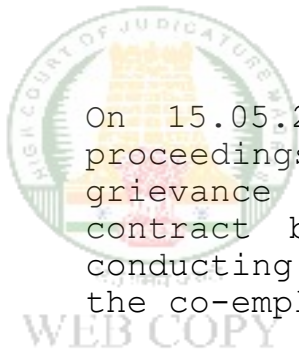
:Mr.V.Nirmal Kumar

Government Advocate

**O R D E R**

This writ petition is filed as against the order, dated 02.11.2020, in and by which, the enquiry officer, namely, the Deputy Director of Medical Services (TB), Madurai has come to the conclusion that this petitioner has assaulted one Rejitha, consequently, he is not permitted to continue his work. Aggrieved over the same, the present writ petition is filed.

2.The case of the petitioner is that he was appointed as D.P.P.M Co-ordinator in South Chennai District Health Society, National Tuberculosis Elimination Program on 21.09.2015 on contract basis. Subsequently, he was posted at Kanyakumari District, as DR-TB Co-ordinator on 18.03.2020. According to the petitioner, a case in Crime No.617 of 2020, registered as against the petitioner, based on the complaint given by one Rejitha was closed as 'mistake of fact'.



On 15.05.2020, the petitioner was placed under suspension, by proceedings in Ref.No.09/DHS-RNTCP/20, dated 15.05.2020. The grievance of the petitioner is that though he was appointed on contract basis, he has been removed from service without even conducting an enquiry and based on certain bald allegations made by the co-employee. Hence, this petition.

3.Mr.V.Nirmal Kumar, the learned Government Advocate appearing for the respondents submits that this petitioner was appointed only on contract basis and during the course of his service, he assaulted a woman co-employee and in respect of the same, a criminal case has also been registered as against the petitioner. Consequently, departmental enquiry was also conducted by the Deputy Director of Medical Services, Madurai and the enquiry revealed that this petitioner has assaulted a woman co-employee. He further submits that the petitioner's contract period is only for a period of 11 months and the period is also over.

4.The learned counsel appearing for the petitioner disputed the same and submits that no enquiry was conducted as claimed by the respondent and the details which are available under RTI Act would reveal that decision was taken without conducting the enquiry. He further submits that further opportunity of getting job would be affected by the order impugned in this writ petition.

5. In reply, the learned Government Advocate appearing for the respondents has also produced a proceedings in ந.க. எண்.95/மா.கா.மை/மதுரை/2020 நாள் 11.09.2020, in and by which, it is made clear that the Joint Director, Health Services has conducted an enquiry by examining 14 persons and came to the conclusion that the petitioner has slapped the co-employee.

6. This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

7.It appears that the Joint Director, Health Services has come to the conclusion that the allegations as against the petitioner was proved only after examination of 14 persons. Also, it is to be noted that the petitioner was appointed on contract basis and his contract period is 11 months only. Once the charges as against the petitioner was proved by way of conducting an enquiry, there is no need to interfere with the impugned order passed by the third respondent.

8.The respondent shall furnish the copy of the enquiry report to the petitioner and if the petitioner is still aggrieved that the enquiry was not conducted in a proper manner, the petitioner is at liberty to challenge the same in the manner known to law.



9. With the above observations and directions, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Chairman / District Collector,  
District Health Society,  
National Tuberculosis Elimination Program,  
Kanyakumari District.
2. The Deputy Director of Medical Services (TB),  
District TB Centre, Asaripallam,  
Kanyakumari District.
3. The Enquiry Officer / Deputy Director of  
Medical Services (TB),  
Madurai District.

+1 CC to M/s.SPL.GP ( SR-39705[F] dated 21/12/2021 )

+1 CC to M/s.D.VENKATACHALAM, Advocate ( SR-39862[F] dated 21/12/2021 )

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KMV(CO)

KB(12.01.2022) 3P 6C