



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.17633 OF 2013

T.S.Moorthy

...Petitioner

-Vs-

The Collector of Chennai,
Singaravelu Maligai,
Rajaji Salai,
Chennai - 600 001.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the impugned order vide proceedings No. A3/37737/2011 dated 25.04.2013 and to quash it as illegal and arbitrary and consequently directing the respondent to reinstate the petitioner with benefits of continuity of service and back wages.

For Petitioner : Mr.C.Manohar

For Respondent : Mr.E.Veda Bagath Singh,
Special Government Pleader

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein was appointed as a temporary Junior Assistant on contract basis under Rule 11 of the Tamil Nadu State and Subordinate Service Rules. Based on a trap laid in connection with a demand of illegal gratification, an enquiry was conducted on 19.04.2013 and the petitioner's statement was recorded. Ultimately, through the impugned order dated 25.04.2013, the petitioner was terminated from the services, on



the ground that he had absconded for more than 4 months and that he was arrested in connection with a corruption charges and remanded to a judicial custody.

3. The learned counsel for the petitioner submitted that no charges were framed against the petitioner and that the enquiry was not conducted in accordance with the rules.

4. Admittedly, the petitioner herein was appointed as a Temporary Junior Assistant on contract basis. Since the petitioner herein is not a member of the Ministerial Services, the rule under Tamil Nadu Civil Service (Discipline & Appeal) Rules will not be applicable to him. Above all, the fact that the petitioner was involved in a criminal case of corruption and that he was arrested in this connection and remanded to judicial custody, is not in dispute. When the petitioner was holding the post of a temporary Junior Assistant on contract basis, placing reliance on the rules and stating that the procedure contemplated therein was not followed, cannot be sustained.

5. Hence, I do not find any merits in the present writ petition. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

hvk

To

The Collector of Chennai,
Singaravelu Maligai,
Rajaji Salai,
Chennai - 600 001.

+1cc to the Government Pleader, S.R.No.21716

W.P.No.17633 of 2013

EV(CO)
PM/11/04/2022