



WEB COPY



W.P.No.4021 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4021 of 2022
and WMP.No.4164 of 2022

Renuka

.. Petitioner

vs.

1.The Managing Director,
Tamil Nadu Corporation for Development
of Women Livelihood, Chennai-600 034.

2.The District Collector,
Chengalpattu District.

3.The Joint Director / Project Director,
Tamil Nadu State Rural Livelihood Unit (TNSRLM),
(Mahalir Thittam),
District Mission Management Unit (DMMU),
Chengalpattu District.

4.The Assistant Project Officer,
Tamil Nadu State Livelihoods Unit (TNSRLM),
(Mahalir Thittam),
District Mission Management Unit (DMMU),
Chengalpattu District.

5.The President /Secretary,
Block Level Federation,
Tamil Nadu State Livelihoods Mission (TNSRLM),
(Mahalir Thittam), Kattankolathur Block,
Chengalpattu District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to impugned order of the 3rd respondent passed in his proceedings in Na.ka.No.497/2019/A# dated .08.2021 (signed on 16.08.2021) and the consequential letter of the 5th respondent dated Nil and quash the same and consequently direct the 3rd respondent to reinstate the petitioner into service in the post of Block Coordinator at Kattangalathur Block, Chengalput District or any other place within the jurisdiction of the 3rd respondent with all attendance and consequential monetary benefits payable to her.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.T.Arunkumar
Additional Government Pleader for R2

ORDER

The petitioner challenging the impugned order of the third respondent dated 16.08.2021 and the consequential order of the fifth respondent, terminating the service of the petitioner in the post of Block Coordinator, Mahalir Thittam, Kattankulathur Panchayat Union, Chengalpattu District.

2. The petitioner was appointed as Block Coordinator for Self Help Group. The beneficiaries under the “Amma Two Wheeler Scheme”, filed a complaint against the petitioner alleging that she had collected Rs.3,500/- from each of them for obtaining driving licence for getting Two-Wheeler under the scheme and gave fake Driving Licence to them. The third



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respondent appointed the Assistant Project Officer, Kancheepuram to conduct enquiry and the Enquiry Officer filed the Enquiry Report to the third respondent, which revealed that the petitioner is guilty of the offence and vide order dated 16.08.2021, the petitioner was relieved from the post of Block Level Coordinator by cancelling her agreement with the Block Level Federation. Challenging the same, the present writ petition has been filed.

3. According to the petitioner, she was neither afforded with any opportunity nor served with any notice before cancelling the agreement and all of a sudden, the third respondent has passed the impugned order in gross violation of the principles of natural justice.

4. The third respondent has filed a counter affidavit stating that based on the complaints received from women beneficiaries under the “Amma Two Wheeler Scheme” the Assistant Project Officer conducted detailed enquiry with the complainant as well as the petitioner and as such, it cannot be said that the petitioner was not given sufficient opportunity. It is further stated in the counter affidavit that the petitioner cannot be treated as a regular Government servant, since she was appointed on contract agreement by the



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Block Level Federation, which did not mandate the issuance of Show Cause Notice, Charge Memo etc., under the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the petitioner's service is not covered under any of the Service Rules under the Tamil Nadu State Government and hence the contention of the petitioner is unsustainable.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Admittedly, on the complaint received against the petitioner from women beneficiaries, the respondents appointed an Enquiry Report and based on the Enquiry Report holding that the petitioner is guilty of the offence charged, the petitioner was relieved from the post of Block Level Coordinator by cancelling the agreement by the third respondent. According to the petitioner, no opportunity was granted to the petitioner before cancelling the agreement. Eventhough this writ petition cannot be entertained in view of contractual relationship between the petitioner and the Block Level Federation, in view of the violation of principles of natural justice, this Court is of the view that the impugned order is liable to be set aside.



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7. Accordingly, the impugned order of the third respondent in Na.Ka.No.497/2019/A3 dated 16.08.2021 and the consequential order of the fifth respondent are set aside and the matter is remitted back to the third respondent to consider afresh, after affording opportunity to the petitioner by furnishing the Enquiry Report and to pass appropriate orders in accordance with law. According to the respondents, the petitioner is not continuing in service as Block Coordinator. Therefore, till final decision is taken by the third respondent, the petitioner shall not be reinstated as Block Coordinator. The aforesaid exercise shall be completed by the third respondent within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

Jvm

To

1.The Managing Director,
Tamil Nadu Corporation for Development
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