



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.11798 of 2021

WMP(MD)Nos. 9262 & 9297 of 2021

WEB COPY

P.Parimala

... Petitioner

Vs.

1.The District Collector/President
District Child Protection Society
District Collectorate Campus
Tirunelveli, Tirunelveli District.

2.The District Child Protection Officer,
District Child Protection Society
No.B6, SV Complex
N.G.O.Colony 627 007
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent District Collector in Ref.No.166/Maa.Ku.Paa.A./2021 dated ... 04.2021 (dismissing the petitioner from the post of outreach worker w.e.f. 21.04.2021) and the consequential proceedings issued by the 2nd respondent the District Child Protection Officer, Tirunelveli in No.166/Maa.Ku.Paa.A/2021 dated 29.04.2021 (relieving the petitioner from the post of outreach worker w.e.f. 21.04.2021) quash the same and direct the respondents to reinstate forthwith the petitioner into service as outreach worker in the 2nd respondent District Child Protection Society in terms of her contract dated 02.11.2020.

For Petitioner	: Mr.P.Muthuvel for M/s.Isaac Chambers
For Respondents	: Mr.M.Ramesh Government Advocate

ORDER

The writ petition is filed challenging the order of termination passed by the respondents. The petitioner was serving as outreach worker in the office of the second respondent society, District Child Protection Society, at Tirunelveli.

2.The petitioner was appointed on contract basis in integrated child protection scheme. The period of contract is for one year. However, the contract was periodically renewed and the last contract



signed between the employer and the workmen was for a period from 2nd November 2020 to 1st November 2021.

3.The learned counsel for the petitioner mainly contended that the petitioner was terminated without even notice and without conducting enquiry.

4.The learned Government Advocate objected the said contention by stating that the petitioner is a contract employee and there is a condition in the contract itself that in the event of any unsatisfactory performance or improper conduct, the respondents are empowered to terminate the contract and it is further contended that the petitioner is not eligible for any compensation or otherwise in the event of any termination on the ground of improper conduct and unsatisfactory performance. When the conditions of contract are agreed between the parties, more specifically by the petitioner, the petitioner cannot claim any benefit or otherwise, which is running counter to the terms agreed by the petitioner. This apart, the period of contract has already been expired and therefore, the petitioner is not entitled for any relief.

5. The order impugned reveals that the petitioner has committed certain irregularities to affect the decorum of the child protection centres. Further the impugned order reveals that such allegations are established and therefore, they have taken a decision to terminate the service by invoking the termination clause in the agreement. When the termination clause has been invoked by the competent authority with reference to certain improper conduct or unsatisfactory performance, then the petitioner cannot claim any benefit and under these circumstances, this Court is not inclined to interfere with the order impugned passed by the respondents. If at all any benefits are to be paid, the petitioner is at liberty to approach the authorities for settling the same.

6. With this liberty, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

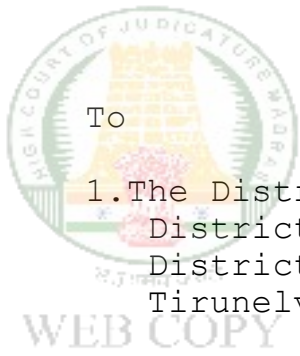
Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

RR



To

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District Child Protection Society
District Collectorate Campus
Tirunelveli, Tirunelveli District.

2.The District Child Protection Officer,
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No.B6, SV Complex
N.G.O.Colony 627 007
Tirunelveli District.

+1 CC to M/s.P.MUTHUVEL (ISAAC CHAMBERS), Advocate (SR-22604[F]
dated 29/04/2022)

+1 CC to M/s.SPL. GP (SR-22942[F] dated 29/04/2022)

W.P. (MD) No.11798 of 2021

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