



W.P.No.2158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.2158 of 2022 &

WMP.No.2321 of 2022

S.Naveen

... Petitioner

Vs

1. The District Collector,
Collectorate, Fort Main Road,
Salem – 636 001.
2. The Assistant Director,
Rural Development [Audit], Salem.
3. The Block Development officer,
Panchayat Union, Ayodhiyapattinam,
Salem District.
4. Manivasagan
[R4 impleaded vide Order dt.05.07.2022 made
in WMP.No.16585/2022 in WP.2158/2022by DKKJ]... Respondents

Prayer :- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the entire records in the



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proceedings No.88/2015/Thi.1 dated 01.12.2021 from the file of the third respondent, quash the same.

For Petitioner : Mr.D.Shivakumaran

For Respondents : Mr.P.Balathandayutham
Special Government Pleader – R1 & R2

No appearance – R3 & R4

ORDER

This Writ Petition has been filed to quash termination of the petitioner by the impugned proceedings of the third respondent in Ref.No.88/2015/Thi.1 dated 01.12.2021.

2. The writ petitioner was appointed as Go-down incharge by the proceedings of the third respondent dated 30.06.2015 on a monthly consolidated pay of Rs.15,000/- and he was continuously working in the said position. On 21.10.2021, a show cause notice has been issued in respect of some irregularities in the Godown. The petitioner sent a detailed explanation dated 26.10.2021. However, on 01.12.2021, the termination Order came to be passed. The same has been challenged on



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the ground that no enquiry, whatsoever, has been conducted and the materials relied upon by the respondent has not been furnished to the petitioner.

3. The counter has been filed by the third respondent. It is their contention that during the inspection, it was found that the stock issue register and seniority register has not been properly maintained by the writ petitioner and the demand draft received on 31.08.2017 has also been belatedly entered on 14.09.2017. Further, as the petitioner was temporarily appointed, he has been terminated. Hence, opposed the Writ Petition.

4. Though it is the stand of the respondents that the petitioner is only temporarily appointed and therefore, he has been terminated, the fact remains that he has been appointed in the year 2015 and charge memo has been issued in the year 2021. It is relevant to note that when the very allegation against the petitioner is that, some irregularities have been committed by him with regard to maintaining the registers and sale



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of cement, before termination, proper enquiry should have been conducted. Further, no opportunity, whatsoever, has been given to the petitioner to defend the charges. Even assuming that the petitioner is working only on consolidated payment, that will not take away the opportunity of an employee to defend the charges levelled against him. If such termination is allowed to be continued, the same will cast stigma on the petitioner and the same is liable to be quashed.

5. Accordingly, impugned proceedings of the third respondent dated 01.12.2021 is quashed and this Writ Petition is allowed. However, the third respondent shall proceed with the enquiry after giving proper opportunity to the petitioner and conclude the disciplinary proceedings within a period of two months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petition is closed. No costs.

01.08.2023

Index:Yes/No
Neutral Citation : Yes/No
vrc



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To,
WEB COPY

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George, Chennai – 600 009.
2. The Director of School Education,
DPI Campus, College Road, Chennai – 600 006.
3. The Joint Director of School Education [Personnel],
DPI Campus, College Road, Chennai – 60006.



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N.SATHISH KUMAR, J.

VTC

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