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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.12284 & 12153 of 2020

and

W.M.P.Nos.15078, 21411, 20417, 15076 & 14886 of 2020

D.Saravanan	...	Petitioner [in W.P.No.12284/2020]
P.K.Bakkiyaraj	...	Petitioner [in W.P.No.12153/2020]

versus

- 1.The Chairman-ATMA /
District Collector,
Cuddalore & District.
- 2.The Director of Agriculture,
Chepauk, Chennai - 600 005.
- 3.The Project Director /
Joint Director of Agriculture,
SSEPERs-ATMA,
Semmandalam,
Cuddalore - 607 001.

... Respondents
[in both W.Ps.]

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order made in



No.D2/7914/2020-1 dated 21.08.2020 passed by the 1st respondent and quash the same in so far as the petitioners are concerned and consequently, direct the respondents to reinstate the petitioner in W.P.No.12284/2020 as Assistant Technology Manager in Nallur Block and the petitioner in W.P.No.12153/2020 as Block Technology Manager in Kammapuram Block respectively, under Agricultural Technology Management Agency, Cuddalore District, with all monetary and other benefits with continuity of service.

For Petitioner : Mr.V.Vijayshankar
[in both W.Ps.]
For Respondents : Mr.G.Nanmaran
[in both W.Ps.] Special Government Pleader

COMMON ORDER

The petitioners had filed these petitions seeking a writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order made in No.D2/7914/2020-1 dated 21.08.2020 passed by the 1st respondent and quash the same in so far as the petitioners are concerned and consequently, direct the respondents to reinstate the petitioners as Assistant Technology Manager in Nallur Block and Block Technology Manager in Kammapuram Block respectively, under Agricultural Technology Management Agency, Cuddalore District, with all monetary and other benefits with continuity of service.



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2. Heard Mr.V.Vijayshankar, learned counsel for the petitioners, Mr.G.Nanmaran, learned Special Government Pleader for the respondents and perused the materials available on record.

3. The petitioners were working as temporary contractual employees under ATMA Scheme. By the impugned order dated 21.08.2020 issued by the 1st respondent, the petitioners were terminated from service. Challenging the same, these Writ Petitions have been filed.

4. Mr.V.Vijayshankar, learned counsel for the petitioners submitted that an identical situation has been already considered by this Court in W.P.No.13803 of 2020 and hence the petitioners should also be given with the same benefit.

5. Mr.V.Vijayshankar, learned counsel appearing for the petitioners has attracted the attention of this Court to the order of the Writ Petition in *W.P.No.13803 of 2020 dated 26.06.2023 [K.Jayakumar Vs. The Chairman-ATMA/District Collector and others]*, wherein it is held as under:-



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“7. The basic facts are not in dispute. The petitioner was appointed as scheme employee on 30.03.2012 by the District Collector, Trichy who also is the ex-officio chairman of ATMA Scheme in charge of implementation of ATMA Scheme. The earlier termination order was also issued by the District Collector, Trichy. The impugned order reads that the petitioner's termination was pursuant to the communication received from the Director of Agriculture, Chepauk, Chennai. A copy of the communication dated 01.09.2020 issued by the Director of Agriculture has been enclosed. The said communication reads as follows:-

“As you are aware that, some ineligible persons have enrolled and got benefited under the Prime Minister Kisan Samman Nidhi (PM-Kisan) Scheme. In this regard, you have been requested to form a team for verification of eligibility of beneficiary with officials of Department of Agriculture and Revenue. As per reference 4th cited, it has been observed that contractual staff appointed under various schemes are involved in the fraudulent activity. The details of the contractual staff reported to be involved in the fraudulent activity in your district are furnished below. In this regard, as per the operational guidelines of respective schemes, I request you to disengage/terminate their services for their involvement in fraudulent activity.”



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8. *The specific stand of the petitioner is that he is not responsible for updating or uploading the details of the beneficiary in the relevant web portal. Therefore, if any fraud has been committed, he is not responsible for the same. The defence of the petitioner may be well-founded or ill-founded. For a moment, I am not on that. The petitioner has been charged with involvement in fraudulent activity. It definitely casts stigma on the petitioner. When a Governmental authority casts stigma on a person, it cannot be done without complying with the elementary principles of natural justice. Since the petitioner is only a scheme employee, there may not be any need for conducting any elaborate domestic enquiry or departmental enquiry as done in the case of regular Governmental employee. But then, there must be observance with the principles of natural justice at a minimum level. Even this has not been done in this case. It is for this reason I constrained to interfere. The order impugned in the writ petition is accordingly set aside.*

9. *Considering the fact that the petitioner was only a scheme employee, the question of paying backwages does not arise. The learned counsel appearing for the petitioner draws my attention to the decision of the Hon'ble Supreme Court reported in (2009) 6 SCC 611 (Mohd.Abdul Kadir Vs. Director General of Police, Assam). It has been held that when the ad hoc appointment is under a scheme and is in accordance with the selection process prescribed by the scheme, there is no*



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reason why those appointed under the scheme should not be continued as long as the scheme continues.

10. If ATMA Scheme is still in force, the petitioner shall be issued with an order of appointment permitting him to reappoint. Such an order will be issued by the second respondent within a period of five weeks from the date of receipt of a copy of this order.”

6. The petitioner in the above said Writ Petition is also working under the same Scheme and he is exactly a similarly placed person. Hence, I find no difficulty to extend the benefit of the favourable findings rendered in the above order for the case of the petitioners also.

7. In view of the above, this Writ Petition is **allowed**, with the following directions:-

(i) The respondents are directed to issue order of appointment permitting the petitioners to re-appoint if, ATMA Scheme is still in force;



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(ii) The respondents shall issue the order of re-appointment to the petitioners, within a period of four weeks from the date of receipt of a copy of this order.

Consequently, connected Miscellaneous Petitions are closed. No costs.

21.12.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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