



W.P(MD)No.6197 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6197 of 2023
and
W.M.P(MD)Nos.5900 & 5901 of 2023

Dhana Anthony

... Petitioner

Vs

1.The State represented by
The Commissioner – cum – Director of Differently
Abled Welfare,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai – 600 005.

2.The District Collector,
Trichy District,
Trichy.

3.The District Differently Abled Welfare Officer,
Behind District Court Campus,
Cantonment,
Trichy – 620 001.

4.S.Chandramohan

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire record pertaining to the impugned order passed by the second respondent in Na.Ka.No. 4773/Nir/2021 dated 25.11.2021 and quash the same as illegal and consequently direct the first respondent to regularize the petitioner's service from 13.07.2015 as a Assistant in Mobile Van and to pay all the pay benefit from 13.07.2015.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.G.Suriyananth
Additional Government Pleader
for R.1 to R.3

ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as Mobile Van Assistant on 13.07.2015. The petitioner claimed the benefit of notification meant for disabled candidates. By the impugned order, his services have been terminated. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.



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4. The respondents 1 to 3 have filed counter affidavit and the learned Additional Government Pleader took me through its contents. According to the respondents, the entitlement of the petitioner to claim benefit under disabled category itself is doubtful. It is further alleged that the petitioner's behavior in the office has been that of a mentally imbalanced person. The petitioner is alleged to have thrown service register of one Chella Muthu in the dust bin. Few other allegations have been made. The learned Additional Government Pleader called upon this Court to dismiss the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. The impugned order refers to the allegations and complaints received against the petitioner. It is true that the petitioner was appointed on consolidated basis in a temporary capacity. It is not necessary for the employer to hold an elaborate enquiry as done in the case of a regular employee but atleast summary enquiry ought to have been held. This is primarily because the impugned order is *prima facie* stigmatic. If a non stigmatic order had been passed and the petitioner had been disengaged on administrative grounds, may be this Court would not have interfered. But where the order of termination casts a stigma on the employee even if he was only temporary employee, still



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compliance of principles of natural justice atleast at a minimal level is mandatory. On this ground I interfere.

7. The order impugned in this writ petition is set aside. The petitioner shall be reinstated as Mobile Van Assistant. The question of paying backwages for the intervening period does not arise. If the petitioner behaves in a proper manner after reinstatement, the respondents need not pursue the action originally initiated. If the petitioner does not conduct himself properly, it is always open to the authorities to hold a summary enquiry and show the door to the petitioner. With this liberty to the authorities, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.06.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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G.R.SWAMINATHAN, J.

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