



W.P.(MD)No.14175 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14175 of 2020
W.M.P(MD).No.11838 of 2020

K.Vinoth Kumar
Block Technology Manager,
Agricultural Technology Management Agency (ATM) Project,
O/o.The Assistant Director of Agriculture,
Budalur Block,
Thanjavur District.

... Petitioner

Vs.

- 1.The Director of Agriculture,
Directorate of Agriculture,
Chepauk,
Chennai-600 005.
- 2.The Chairman-ATMA/District Collector,
Thanjavur,
Thanjavur District.
- 3.The Project Director/Joint Director of Agriculture,
O/o.The Assistant Director of Agriculture,
Thanjavur,
Thanjavur District.
- 4.The Assistant Director of Agriculture,



W.P.(MD)No.14175 of 2020

WEB COPY

O/o.The Assistant Directorate of Agriculture,
Budalur,
Thanjavur District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned termination order passed by the 2nd respondent in his proceedings in Proc.No.E1/9194/2020 dated 14.09.2020 (wrongly mentioned as Proc.No.E1/9194/2019 dated 14.09.2019) and quash the same as illegal and consequently direct the respondents to reinstate the petitioner as Block Technology Manager, Budalur Block, Thanjavur District within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed to call for the records relating to the impugned termination order passed by the 2nd respondent in his proceedings in Proc.No.E1/9194/2020 dated 14.09.2020, quash the same as illegal and consequently, direct the respondents to reinstate the



W.P.(MD)No.14175 of 2020

petitioner as Block Technology Manager, Budalur Block, Thanjavur District within the period fixed by this Court.

2. The case of the petitioner is that the Centrally Sponsored Scheme namely "Support to State Extension Program for Extension Reforms Scheme (SSEPERs)- Agricultural Technology Management Agency (ATMA)" is being implemented to operate the Agricultural Extension Reforms across the country. This scheme is being implemented in 385 blocks of all 31 Districts of Tamil Nadu except Chennai, following the guidelines issued by the Government of India. In the guidelines, the State Government is permitted to engage the Block Technology Manager (BTM) and Assistant Technology Manager (ATM) on contract basis through the mechanism identified by the State with graduate in Agriculture/Allied Sector as educational qualification. The Government of India has released the required funds for implementation of the said Scheme in the ratio of 60:40 between the Central Government and the State Government. As per ATMA Guidelines, the posts of Block Technology Manager and the Assistant Technology Managers can be



W.P.(MD)No.14175 of 2020

WEB COPY

engaged at block level on contract basis to carry out the extension activities. As per the said scheme, the New Life Placements Private Limited appointed the petitioner as Block Technology Manager in Budalur Block, Thanjavur District. Initially, he was appointed as Assistant Technology Manager and it was in temporary basis. He was paid with monthly honorarium of Rs.20,000/- and monthly allowance of Rs.5000/-. Periodically, his contract employment was extended by the New Life Placements Private Limited and the petitioner is continuously working as Block Technology Manager at Agricultural Technology Management Agency (ATMA) Project in the office of the Assistant Director of Agriculture, Budalur Block, Thanjavur District. However, all of a sudden, without issuing any notice and conducting any enquiry, the service of the petitioner was terminated by the second respondent. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner was not appointed through regular employment and he was an outsourcing employee by the New Life



W.P.(MD)No.14175 of 2020

WEB COPY

Placements Private Limited and he is receiving the honorarium amount from the said Outsourcing Agency. Initially, the petitioner was appointed as Assistant Technology Manager in the fourth respondent Office and subsequently, his post was re-designated as Block Technology Manager at Agricultural Technology Management Agency (ATMA) Project in the office of the Assistant Director of Agriculture, Budalur Block, Thanjavur District and he is working under the control of the second respondent. Hence, so long as the scheme is in existence, the petitioner is entitled to be continued in the said post. However, without issuing any notice and conducting any enquiry, the termination of the petitioner from the service is not sustainable one.

4. Per contra, the learned Special Government Pleader appearing for the respondents would submit that during Covid-19 period, some contractual staffs have misused the Corona Relief Fund provided by the Government and illegally transferred the money to the ineligible persons and enrolled more number of ineligible beneficiaries in the portal by misusing the portal login credentials of the Department. Hence, the



W.P.(MD)No.14175 of 2020

contractual staffs namely Block Technology Managers(BTM), Assistant Technology Managers (ATM), Crop Cutting Experiment Field Staffs were terminated.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. The petitioner was engaged through outsourcing Agency namely New Life Placements Private Limited on contractual basis in the 4th respondent office. Admittedly, some contractual staffs have misused the Corona Relief Fund provided by the Government and illegally transferred the money to the ineligible persons and enrolled more number of ineligible beneficiaries in the portal by misusing the portal login credentials of the Department. Hence, the second respondent has terminated the service of the contractual staffs. Admittedly, the petitioner was not recruited through Employment Exchange or through Public Service Commission and he was engaged only through Outsourcing Agency. The engagement of the



W.P.(MD)No.14175 of 2020

petitioner is only based on the scheme and no appointment order was issued to the petitioner. Hence, the termination order issued by the second respondent is perfectly in order and there is no need for issuing the show cause notice to the petitioner before the termination of service, since the petitioner was engaged through Outsourcing Agency namely New Life Placements Private Limited. If at all the petitioner has any grievance, he has to work out his remedy as against the New Life Placements Private Limited and not against the second respondent. Hence, the prayer sought for in the present writ petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is also closed.

23.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

7/9



WEB COPY



W.P.(MD)No.14175 of 2020

To

- 1.The Director of Agriculture,
Directorate of Agriculture,
Chepauk,
Chennai-600 005.
- 2.The Chairman-ATMA/District Collector,
Thanjavur,
Thanjavur District.
- 3.The Project Director/Joint Director of Agriculture,
O/o.The Assistant Director of Agriculture,
Thanjavur,
Thanjavur District.
- 4.The Assistant Director of Agriculture,
O/o.The Assistant Directorate of Agriculture,
Budalur,
Thanjavur District.



WEB COPY



W.P.(MD)No.14175 of 2020

M.DHANDAPANI,J.

ssb

W.P.(MD)No.14175 of 2020

23.01.2023