



W.P.(MD)No.15269 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15269 of 2020

T.Karthiga

Vs.

... Petitioner

1. The Director of Agriculture,
The office of Directorate of Agriculture,
Chepauk,
Chennai.

2. The District Collector,
Dindigul District,
Collectorate,
Dindigul.

3. The Joint Director of Agriculture,
Dindigul District,
Collectorate,
Dindigul.

4. The Assistant Director of Agriculture,
Batlagundu Block,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order / letter of the first respondent dated 01.09.2020 passed in D.O.Letter No.G2/17001/2019 and the order / proceeding of the third respondent dated 29.09.2020 passed in Se.Mu.A.No.Ve.Tho.Me.Mu.36/2020-21, quash the same and consequently, direct the respondents to reinstate the petitioner in service with all benefits including continuity of service and back wages, award cost.

For Petitioner : Mr.G.Bhagavath Singh
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 order / letter of the first respondent dated 01.09.2020 passed in D.O.Letter No.G2/17001/2019 and the order / proceeding of the third respondent dated 29.09.2020 passed in Se.Mu.A.No.Ve.Tho.Me.Mu.36/2020-21, quash the same and consequently, direct the respondents to reinstate the petitioner in service with all benefits including continuity of service and back wages, award cost.

2. The case of the petitioner is that the Centrally Sponsored



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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 Manager can be engaged at block level on contract basis to carry out the extension activities. As per the said scheme, the third respondent has appointed the petitioner as Block Technology Manager by an order dated 06.06.2013 and she has been joined duty on 10.06.2013. She was paid with monthly



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wages on consolidated basis of Rs.20,000/- up to September, 2016 and thereafter, from October, 2016 onwards, the same has been increased into as Rs.25,000/-.

3. It is the further case of the petitioner that there is one another Scheme called "Prime Minister Kissan Samman Nidhi (PM-Kisan) Scheme" and the said scheme is also running by the office of the fourth respondent, in which the petitioner was working. However, she was not doing any work relating to the scheme. In the above circumstances, on 05.09.2020, she received a Whatsapp message and the same has been contained a letter dated 01.09.2020 of the first respondent to the second respondent which is in PDF format. In the letter dated 01.09.2020, it was stated that the second respondent was requested to form a team for verification of eligibility of beneficiary under the "Prime Minister Kissan Samman Nidhi (PM-Kisan) Scheme" with the assistance of the officials of Agriculture and Revenue Departments and that the third respondent sent a letter dated 27.08.2020 observing that the contractual staffs appointed under various schemes are involved in fraudulent activity and



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that the contractual staffs involved in the scheme are one Chandramohan and Karthiga (petitioner herein) and the second respondent was directed to terminate their services for their involvement in fraudulent activity. Thereafter, the third respondent made enquiry and based on the same, it came to know that she was not involved in fraudulent activity. However, all of a sudden, without issuing any notice and conducting any enquiry, the service of the petitioner was terminated by the third respondent on 29.09.2020. Challenging the same, the present Writ Petition has been filed.

4. The learned counsel appearing for the petitioner would submit that admittedly the petitioner was appointed as Block Technology Manager on consolidated basis and she is working under the control of the fourth 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.



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

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

7. The facts in the present case are not in dispute. The petitioner was engaged through outsourcing Agency on contractual basis in the fourth 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



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more number of ineligible beneficiaries in the portal by misusing the portal login credentials of the Department. Hence, the third respondent has terminated the service of the petitioner citing the letter of the first respondent dated 01.09.2020. Admittedly, the petitioner was not recruited through Employment Exchange or through Public Service Commission and she was engaged only through Outsourcing Agency. The engagement of the petitioner is only based on the scheme and no appointment order was issued to the petitioner. Hence, the termination order issued by the third 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. Hence, the prayer sought for in the present Writ Petition cannot be granted.

8. Accordingly, this Writ Petition is dismissed. However, the impugned order will not stand on the way of the petitioner to get future employment. No costs.

02.02.2023



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NCC:Yes / No

Index:Yes / No

Speaking Order : Yes / No

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Chennai.
2. The District Collector,
Dindigul District,
Collectorate,
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3. The Joint Director of Agriculture,

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