



W.P.(MD).No.8342 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.8342 of 2018

and

W.M.P.(MD).No.7899 of 2018

R.Sathishkumar

... Petitioner

Vs.

- 1.The Director,
Tamil Nadu Handloom Development Corporation Limited,
Kuralagam II Floor,
Chennai 600 108.
- 2.The Joint Director,
Handloom and Textiles Department,
(Uniform) Cluster,
Kuralagam II Floor,
Chennai 600 108.
- 3.The Joint Director,
Thirubuvanam Silk Handloom Weavers Co-operative
Society Limited, Z322,
No.55, Sannathi Street,
Thirubuvanam 612 103,
Thanjavur District.



W.P.(MD).No.8342 of 2018

WEB COPY

4.The Manager (In-charge),
Thirubuvanam Silk Handloom Weavers Co-operative
Society Limited Z322,
No.55, Sannathi Street, Thirubuvanam 612 103,
Thanjavur District.

5.J.Periyasamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of declaration, to declare the oral termination imposed by the 4th respondent as null and void and consequently direct the respondents 1 and 2 to permit the petitioner to continue his work as Security cum Assistant in the 4th respondent Society, by considering the petitioner's representation dated 05.11.2017 and consequently to take necessary action against the 5th respondent for misusing his official capacity as per law within a stipulated time.

For Petitioner : Mr.D.Muruganandam

For R1 to R3 : Mrs.K.Christy Theboral

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of declaration, to declare the oral termination imposed by the 4th respondent as null and void and consequently direct the respondents 1 and 2 to



W.P.(MD).No.8342 of 2018

permit the petitioner to continue his work as Security cum Assistant in the 4th respondent Society, by considering his representation dated 05.11.2017 and consequently to take necessary action against the 5th respondent for misusing his official capacity as per law.

2. The case of the petitioner is that he was appointed as Security cum Assistant in the fourth respondent Society on 23.11.2016. However, he was also engaged for Cluster Development Executive (CDE), since one Mr.V.Prabhakaran was not joined duty. Later, the said Mr.V.Prabhakaran was appointed through Director of Handloom and Textiles on 13.02.2017. He did not properly done his work. Hence, the petitioner was engaged for both Cluster Development Executive work and Security cum Assistant work. The said Mr.V.Prabhakaran has withdrawn a sum of Rs.20,000/- on 28.03.2017 through Cheque No. 215826 from the Cluster Account. But, he did not submit any bill or voucher for the said amount. Further, the fifth respondent has also withdrawn a sum of Rs.4,000/- through Cheque No.215837 for purchasing stationary materials to his children on 14.06.2017. Hence, the



W.P.(MD).No.8342 of 2018

petitioner has sent a detailed representation to the respondents 1 and 2 on 21.08.2017, requesting them to take necessary action against them.

3. Based on his representation, the first respondent has conducted an enquiry and issued summons upon the petitioner, the fifth respondent and other persons also. During the pendency of the enquiry, on 05.10.2017, the petitioner has narrated the entire facts regarding the illegality committed by the fifth respondent and others in the fourth respondent Society. Thereafter, at the instigation of the fifth respondent, on 03.11.2017, the fourth respondent has prevented the petitioner for doing his work and also orally terminated him from service without any valid reason. Therefore, the petitioner has made a detailed representation to the respondents 1 and 2 on 15.03.2018 and the same was not considered till date. Hence, the petitioner has filed the present writ petition.

4. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents 1 and 2 to



W.P.(MD).No.8342 of 2018

WEB COPY

consider the petitioner's representation dated 15.03.2018 and pass appropriate orders within a reasonable time as fixed by this Court.

5. Heard the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondents 1 to 3.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents 1 and 2 to consider the petitioner's representation dated 15.03.2018 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

03.03.2023



W.P.(MD).No.8342 of 2018

akv

WEB COPY

To

- 1.The Director,
Tamil Nadu Handloom Development Corporation Limited,
Kuralagam II Floor,
Chennai 600 108.
- 2.The Joint Director,
Handloom and Textiles Department,
(Uniform) Cluster,
Kuralagam II Floor,
Chennai 600 108.
- 3.The Joint Director,
Thirubuvanam Silk Handloom Weavers Co-operative
Society Limited, Z322,
No.55, Sannathi Street,
Thirubuvanam 612 103,
Thanjavur District.
- 4.The Manager (In-charge),
Thirubuvanam Silk Handloom Weavers Co-operative
Society Limited Z322,
No.55, Sannathi Street, Thirubuvanam 612 103,
Thanjavur District.



WEB COPY



W.P.(MD).No.8342 of 2018

M.DHANDAPANI,J.

akv

W.P.(MD)No.8342 of 2018

03.03.2023