



W.P.(MD).No.18881 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.18881 of 2023

and

W.M.P(MD)Nos.15684 & 15685 of 2023

M.Raja

... Petitioner

Vs.

1.The Deputy Director,
Health Services,
Madurai.

2.The Block Medical Officer,
Government Primary Health Centre,
Checkkanoorani,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned order in Na.Ka.No.159/A1/2023, dated 28.03.2023 and quash the same as devoid of merits and consequently directing the second respondent to reinstate the petitioner in service by considering his representation, dated 28.03.2023.

For Petitioner : Mr.A.Haja Mohideen



WEB COPY



W.P.(MD).No.18881 of 2023

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed by an adhoc Driver, who was working in the second respondent Primary Health Centre challenging the order of termination, dated 28.03.2023.

2. According to the writ petitioner, he is functioning as an adhoc Driver from the year 2010 onwards for a consolidated pay of Rs.3,500/- per month. The petitioner was implicated in a criminal case in Crime No.68 of 2023 on the file of Tirumangalam Town Police Station, Madurai under Section 406, 420 and 294(b) of IPC on 03.02.2023. The petitioner was arrested and remanded to judicial custody on 12.05.2023 and he was released on bail on 08.06.2023.

3. The allegations as against the petitioner in the said FIR are to the effect that he had received a sum of Rs.7,00,000/- from third parties assuring them to get a job. In view of the said allegations in the FIR, the second respondent herein has terminated the writ petitioner under the impugned order,



W.P.(MD).No.18881 of 2023

dated 28.03.2023. In the impugned order it is further pointed out that the petitioner had not attended duty from 06.02.2023 onwards. Considering the fact that the petitioner is an adhoc employee, without conducting an enquiry, the services have been terminated by the second respondent herein.

4. The learned Counsel appearing for the writ petitioner contended that the petitioner along with similarly placed petitioners, who are Temporary Drivers had filed W.P(MD)No.14872 of 2023 before the Pincipal Bench of this Court seeking to regularise their services. In the said writ petition, interim injunction was granted by the learned Single Judge on 01.06.2023 not to disengage the petitioners. When the interim order of this Court is in operation, the second respondent is not entitled to pass an order of termination. He further contended that the petitioner has been falsely implicated in the criminal case and therefore, the said criminal case cannot be put against him and he cannot be terminated.

5. Per contra, the learned Special Government Pleader appearing for the respondents had contended that the interim order of the Principal Bench of this Court has been passed on 01.06.2023, whereas the petitioner has already been



W.P.(MD).No.18881 of 2023

terminated on 28.03.2023 itself. Therefore, the interim order granted by the Principal Bench of this Court cannot be cited by the writ petitioner to quash the order of termination. He further pointed out that the petitioner had remained absent from 06.02.2023 onwards, without assigning any reasons whatsoever. Considering the fact that the petitioner has been implicated in a criminal case, with serious consequences, the employer was forced to terminate the services of the adhoc employee.

6. I have carefully considered the submissions made on either side and perused the materials available on record.

7. It is not in dispute that the petitioner continues to be an adhoc Driver in the second respondent Primary Health Centre. The petitioner is involved in a criminal case, wherein serious charges have been levelled against him. The petitioner being an adhoc employee, the service rules are not applicable to him and hence, the order of termination without conducting enquiry cannot be found fault with. Further the petitioner had un-authorisedly absented himself from 06.02.2023 onwards in view of the criminal case that was lodged against him. Considering the above said facts, this Court is not inclined to interfere in



W.P.(MD).No.18881 of 2023

the order of termination. In case if the petitioner is exonerated from the criminal cases, the petitioner is at liberty to revive his request to re-employ him.

8. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

18.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Deputy Director,
Health Services,
Madurai.
- 2.The Block Medical Officer,
Government Primary Health Centre,
Checkkanoorani,
Madurai.



WEB COPY



W.P.(MD).No.18881 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P.(MD).No.18881 of 2023

18.10.2023