



W.P.(MD)No.3141of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.3141 of 2016

K.Murugan

... Petitioner

Vs.

1.The Director,
Social Audit Society of Tamilnadu,
Rural Development and Panchayat Raj Department,
Saidapet, Chennai – 15.

2.The District Resource Person,
Thoothukudi District, Thoothukudi.

3.Mr.C.V. Sivakumar,
District Resource Person,
Thoothukudi District,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records relating to the impugned order passed by the 1st Respondent in his proceedings in Na.Ka. 1372/2014/Sa-2 dated 05.01.2016 and quash the same and consequently directing the 1st Respondent to renew the petitioner's appointment as Block Resource Person in Thoothukudi District.



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For Petitioner : Mr.D.Srinivasaragavan

For Respondent : Mr.P.Thambidurai
Government Advocate for R-1 and R-2

ORDER

This writ petition is filed challenging the impugned order, dated 05.01.2016 consequently directing the 1st Respondent to renew the petitioner's appointment as Block Resource Person.

2. Heard Mr.D.Srinivasaragavan, learned counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing for 1st and 2nd respondents. Perused the material documents available on record.

3. The petitioner was appointed as Block Resource Person, vide appointment, dated 17.10.2014, for consolidated pay of Rs.12,000/- per month with Rs.1,000/- as FTA. The appointment will take effect from 01.11.2014 for a period of one year and the appointment will be renewed at the end of one year. However, there was one more condition that the petitioner is not entitled to



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regular time scale of pay or will not claim any right to appointment as regular employee. Based on this condition, the petitioner has joined the service.

4. The contention of the petitioner is the 3rd respondent has not paid any salary to the petitioner as well as to some other persons and hence the petitioner has objected against the 3rd respondent for himself and on behalf of others. Since the petitioner has alleged against the 3rd respondent, he has not renewed the petitioner's appointment after the period had lapsed. The petitioner has acted as whistle blower against the 3rd respondent.

5. The contention of the respondents is that the petitioner's performance is very poor, moreover the petitioner is negligent and he is not having expertise in executing his job. Therefore, through the impugned order the petitioner's appointment was not renewed.

6. After hearing the rival submissions this Court has given its anxious consideration. The respondents have not placed any evidence on record about the petitioner's efficiency or the poor performance of the petitioner. On the other



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hand, when the petitioner is levelling serious allegation against the 3rd respondent, the other two respondents ought to have ascertained the genuineness of the allegation.

7. Hence this Court is passing the following orders:

- 1.The respondents are directed to reinstate the petitioner as a fresh entrant.
- 2.The petitioner is not entitled to any continuity of service or any backwages for the non-employment period.
- 3.The respondents shall enquiry into the allegations against the 3rd respondent and if any *prima facie* evidence is available, action may be initiated against the 3rd respondent.

8. With these directions and observations, this writ petition is disposed of. No Costs.

Index : Yes / No
Internet : Yes
ksa

24.03.2023



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To

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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 3141 of 2016**

24.03.2023