



W.P.No.30667 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30667 of 2014

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M.P. No. 1 of 2014

Kavitha

...Petitioner

Vs.

The Secretary of State Government,
Adi Dravidar and Schedule Caste
And Schedule Tribe Department,
Secretariat, Chennai – 9.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to call for the file relating to the removal proceeding in office proceedings No.396 dated 23.07.2014 from the file of the respondent and quash the same and direct the respondent to permit the petitioner to continue to function as office Assistant in the office of the respondent.



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For Petitioner : Ms. R.T.Sundari

For Respondent : Mr. V.Jeevagiridharan
Additional Government Pleader.

ORDER

The above Writ Petition has been filed for the issue of certiorarified mandamus calling for the records of the respondent dated 23.07.2014 in proceedings No.396 in and by which the petitioner's name has been removed from the rolls and to direct the respondent to permit the petitioner to continue to function as an Office Assistant. The facts which has culminated in the filing of the Writ Petition as set out in the affidavit filed in support of the Writ Petition are as follows.

2. The petitioner would submit that she had been appointed as an office assistant in the office of the respondent, where she was joined duty on 13.06.2014. Thereafter, since she was suffering from Gastric



problem she was unable to attend office **from 21.07.2014 to 11.08.2014** and she has also produced a medical certificate to that effect when she had attended the office on 17.08.2014. However, the petitioner was not permitted to sign the office daily attendance register. Thereafter, she was served with a circular dated 23.07.2014 removing her name from the list. Therefore, the petitioner would submit that she has challenged the said orders in this Writ Petition.

3. The petitioner would submit that she was working as an Office Assistant under a Secretary Kannaki Bakiyanathan as a servant in her house, where she has been discharging her duties. The petitioner would submit that she was assigned the household duties even during Government holidays. The petitioner requested the said officer to transfer her to work in the office.

4. Meanwhile the petitioner had suffered Gastric problem for which she was on leave from 21.07.2014 to 11.08.2014. The petitioner would submit that the deletion of her name from the selection list is



absolutely erroneous since no charge memo has been issued nor an explanation called for from her and the orders have been passed without offering her an opportunity to put forward a case.

5. The respondent has filed a counter wherein it has been stated that the petitioner had given a false information in her affidavit. The respondent would submit that the petitioner was not appointed as an Office Assistant in the Adi Dravidar an Tribal Welfare Department on 13.06.2014 and that she had been working in the house of the Secretary Kannaki Bakiyanathan.

6. The respondent would submit that the petitioner was not appointed by the respondent and the documents produced were only a call letter sent to the petitioner. They would submit that the allegation that she was not permitted to sign the attendance register is an absolutely false statement since only those persons who have got their appointment order are eligible to sign in the daily attendance. Since she was not appointed she was not permitted to sign the attendance



register.

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7. Heard the learned counsels and perused the records.

8. The petitioner's contention is that she was not able to attend the work as she was suffering from Gastric problem between 21.07.2014 to 11.08.2014 and that she was not permitted to sign the attendance register when she returned on 17.08.2014. The petitioner would also submit that she had produced the medical certificate which is not considered. The medical certificate has been annexed in the typed set of papers. This would clearly show that the very document is concocted one.

9. The petitioner claims that she has not attended office from 21.07.2014 till 11.08.2014. However, the medical certificate that has been produced would show that the certificate has been issued for the period 21.06.2014 to 11.07.2014. The petitioner has only been given a temporary pass. Even the appointment letter dated 09.06.2014 would



indicate that she has been taken on the rolls only as a temporary worker.

10. Taking note of the fact that the petitioner has fabricated documents her contention that she had suffered Gastric problem during the period 21.07.2014 to 11.08.2014 has not been supported by any medical certificate. The petitioner has also not been regularised in service and continues to be a temporary worker. Therefore, the impugned order passed is well within the powers conferred on the respondent. The petitioner has not made out any case to quash the impugned order.

11. The Writ Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

06.06.2024

Index : Yes/No
Internet : Yes/No
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To

The Secretary of State Government,
Adi Dravidar and Schedule Caste
And Schedule Tribe Department,
Secretariat, Chennai – 9.



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P.T. ASHA, J,

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