



W.P(MD).No.1977 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.02.2024

CORAM:

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.1977 of 2024**

**and**

**W.M.P(MD)Nos.1970 & 1971 of 2024**

K.Karthick

...Petitioner

Vs

- 1.The Director,  
Social Welfare Department,  
Chennai-10.
- 2.The District Collector,  
District Collectorate,  
Madurai.
- 3.The Joint Director,  
Child Welfare Department,  
Zonal Office,  
Madurai.
- 4.The Superintendent,  
Government Observation Home,  
Madurai.

...Respondents

**Prayer:** This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned termination order issued by the 4<sup>th</sup> respondent in No. I/38896/2023, dated 07.11.2023 and quash the same consequently directing the 4<sup>th</sup> respondent to reinstate the petitioner.



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For Petitioner : Mr.T.Lajapathi Roy  
Senior Counsel  
for Mr.A.Balaji  
For Respondents :Mr.R.Ragavendran  
Government Advocate

### **ORDER**

The present writ petition has been filed to call for records pertaining to the impugned termination order issued by the 4<sup>th</sup> respondent in No. I/38896/2023, dated 07.11.2023 and quash the same consequently directing the 4<sup>th</sup> respondent to reinstate the petitioner.

2. The petitioner was appointed as a Warden in Juvenile Justice Board in Madurai vide proceedings of the 4<sup>th</sup> respondent, dated 03.08.2022 on consolidated pay and he was a contractual temporary employee. The case in Crime No.1303 of 2023 was registered on the file of the Sellur Police Station, Madurai based on the complaint given by one Dhanapal on 24.10.2023. It is alleged that one minor by name, Selvaganesh who was enlarged on bail, committed theft for an amount of Rs.50,000/- and handed over Rs.48,000/- to the petitioner and in that regard, the said crime number came to be registered by the Sellur Police. The petitioner was arrested in this regard and thereafter, he was enlarged on bail. In the meanwhile, the impugned order of termination, dated 07.11.2023 came to be issued by the 4<sup>th</sup> respondent.

Challenging the same, this writ petition came to be filed.



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3. The learned Senior Counsel appearing for the petitioner submitted that though the allegations pertaining to the said crime are very serious, despite the fact that the petitioner is working as a temporary employee on consolidated pay, the petitioner ought to have been put on notice before issuance of the impugned order of termination, dated 07.11.2023 and without issuance of notice, the impugned order is *per se* illegal and pressed for allowing the writ petition.

4. Per contra, the learned Government Advocate submitted that considering the gravity of the offence committed by the petitioner instigating a minor boy to indulge in an offence as grave as theft, it is necessary that such an order has to be passed immediately. Allowing such a person to continue in service would endanger other employees of the Juvenile Board. In view of the same, he prayed for dismissal of the writ petition.

5. The Hon'ble Supreme Court in the case of ***Hari Ram Maurya Vs. Union of India & Others*** reported in ***2006 (9) SCC 167*** has dealt with a termination order in a case of bribery committed by a temporary employee and has held that even though the delinquent is a temporary employee, his services cannot be terminated on charge of bribery without holding an inquiry and thereafter, acting in accordance with law. The Hon'ble Supreme Court has



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categorically held even in a case as serious as a bribery case, the conduct of inquiry before termination of a temporary employee is mandated. Even in this case, necessarily the respondents ought to have conducted inquiry putting the petitioner on notice and calling him to offer his explanation.

6. In view of the same, the order impugned in the writ petition, dated 07.11.2023 is quashed and the same is remanded back to the respondents specifically directing the respondents to put the petitioner on notice and conduct appropriate disciplinary proceedings as against him giving due opportunity to him to defend his case in the disciplinary proceedings and thereafter, pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above said observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

**21.02.2024.**

Internet : Yes  
Index : Yes/No  
NCC : Yes/No  
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To

WEB COPY

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**L.VICTORIA GOWRI, J.**

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