

W.P(MD)No.2438 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2438 of 2022 and
WMP(MD) Nos.2116 & 2117 of 2022

Monikandan K

... Petitioner

Vs

1.The Joint Managing Director/
Project Director,
Tamilnadu State Rural Livelihood Mission,
Reserve Line,
Madurai.

2.The Assistant Project Officer,
Tamilnadu State Rural Livelihood Mission,
Vadipatti Block, Madurai.

3.The Assistant Project Officer,
Tamilnadu State Rural Livelihood Mission,
Kallikudi Block,
Thirumangulam Taluk,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 1st Respondent in Na.Ka.No. 1700/2021/A2 dated 24.01.2022 and



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Na.Ka.No. 1700/2021/A2 dated 24.01.2022 and quash the same and consequently directing the respondents to reinstate the petitioner into service.

For Petitioner : Mr.S.Ramasundarvijayaraj
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner was appointed as a Block Co-ordinator in the Tamil Nadu State Rural Livelihood Mission, Madurai on contract basis on 08.03.2019. Subsequently, he was promoted as Block Mission Manager in the year 2020. The Tamil Nadu State Rural Livelihood Mission was established for the development of women entrepreneurs in the rural areas and to promote the schemes of the Government to enlighten them by way of self help groups. Each block was established with a Block Level Federation, which consists of a Secretary, Treasurer from the self help groups. The petitioner, being the Block Mission Manager has to allocate works to the people, by forming Block level Federation and Community Resource person. The petitioner was issued with a show cause notice by a proceedings of the first respondent in Na.Ka.No.1157/2020/A5, dated 19.01.2022 that a sum of Rs.2,76,000/-



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has been misappropriated by him, during his tenure at Vadipatti and the petitioner has submitted his explanation on the same day. However, without considering the same and without providing an opportunity to the petitioner, the first respondent has terminated the petitioner from service by a proceedings in Na.Ka.No.1700/2021/A2, dated 24.11.2022. Challenging the same, the petitioner is before this Court.

2. The learned counsel appearing for the petitioner submits that when the respondents have made serious allegations as against this petitioner that he has misappropriated a sum of Rs.2,76,000/-, they ought to have conducted an enquiry before passing the order of termination. Therefore, the order impugned in this writ petition is liable to be set aside.

3.The learned Additional Government Pleader appearing for the respondents claims that the petitioner was appointed in the Tamil Nadu State Rural Livelihood Mission, Madurai on contract basis for a period of one year and it has been extended subsequently. For the misappropriation of Rs.2,76,000/-, the petitioner has been terminated



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from service on 24.11.2022 after issuing a show cause notice on 19.01.2022. Therefore, there is no need to interfere with the order of termination.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, the petitioner was appointed in Tamil Nadu State Rural Livelihood Mission, Madurai on contract basis for a period of one year on 08.03.2019 and subsequently it was extended. The petitioner was permitted to work till 24.01.2022. He was also transferred from Sedapatty to Vadipatti Block . He was terminated from service by order dated 24.01.2022 on the allegation of misappropriation of Rs.2,76,000/-. The grievance of the petitioner is that without assigning any reasons, the order of termination has been passed. However, on the same day, a notice was issued to this petitioner with certain allegations that this petitioner has caused a loss of Rs. 2,76,000/- to the respondents and directed him to repay the amount, within a period of seven 7 days. When there is an allegation of



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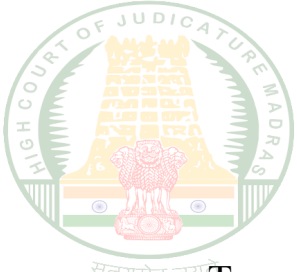
misappropriation, it is not proper on the part of the respondents to take a decision, terminating the petitioner from service, without conducting an enquiry, when the petitioner has specifically denied the allegations.

6.In view of the above, the impugned order is set aside. The respondents are directed to conduct an enquiry by affording an opportunity to the petitioner and take appropriate decision within a period of six months from the date of receipt of a copy of this order. It is made clear that remanding the issue for fresh consideration of the respondents would not confer any right on the petitioner for reinstatement into service, as his appointment itself is on contract basis. On conclusion of enquiry, the respondent shall take a call as to whether the petitioner can be retained in service or not.

7.Accordingly, this writ petition is allowed. No costs. Consequently, connected Miscellaneous petitions are closed.

12.12.2024

NCC:Yes/No
Index:Yes
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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.2438 of 2022 and
WMP(MD) Nos.2116 & 2117 of 2022

10.12.2024