



WP(MD) No.8411 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.8411 of 2024
and
W.M.P(MD)Nos.7619 & 7620 of 2024

A.Sowresh

... Petitioner

Vs.

1.The Director

Civil Defence & Commandant of Home,
Home Guards,
Chennai – 600 004.

2.The Superintendent of Police,

Dindigul District,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution
of India for issuance of Writ of Certiorarified Mandamus to call for

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the impugned order passed by the 2nd Respondent in Na.Ka.No. E2/14666/58/2023 dated 23.08.2023 to quash the same as illegal and consequentially prayed that this court directing the Respondents to extend the petitioner's work period for 3 years.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This Writ Petition has been filed challenging the dismissal order issued to the petitioner by the respondents.

2. Heard Mr.C.Ezhilarasu, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents.

3. By consent of both parties, this Writ Petition is taken



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up for final disposal at the stage of admission itself.

4. The petitioner, who has been appointed as Home Guard on 24.11.2020, has been dismissed from service on 23.08.2023, on the allegation that he has involved in a criminal case registered in CSR.No.673 of 2023 by Palani City Police Station.

5. The learned counsel for the petitioner submitted that the second respondent without properly considering the explanation given by the petitioner, had chosen to dismiss the petitioner and no proper enquiry has also been conducted in this regard.

6. From the appointment order, dated 24.11.2020, it is seen that the petitioner has been appointed only for a period of three years and hence, the petitioner's service with the respondents are on contractual basis and not a permanent one. The appointment order further states that the petitioner may be discharged at any time by



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the competent authority. The petitioner has not disputed the competency of the authority, who had dismissed him from service by issuing the impugned order, dated 23.08.2023. Since the records shows that the petitioner has involved in a criminal case, the second respondent needed to take action and to pass the impugned order. Having got an appointment as Home Guard, the petitioner should have known the discipline to be maintained in the said service. Any violation in this regard, would certainly attract the action at the hands of the second respondent. The petitioner cannot expect a full-fledged enquiry that used to be held in a disciplinary action, in view of the fact that his employment is a contractual one.

7. Since the order of the second respondent does not suffers from any arbitrariness or unreasonableness and also taking into consideration of the contractual nature of the employment, I find no grounds to entertain this Writ Petition.



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8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM

To

1.The Director
Civil Defence & Commandant of Home,
Home Guards,
Chennai – 600 004.

2.The Superintendent of Police,
Dindigul District,
Dindigul.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.8411 of 2024

03.04.2024