



*W.P.(MD)Nos.9510 & 9023 of 2023
and W.M.P(MD)Nos.8484 to 8486, 8187, 8089 and 8190 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.9510 & 9023 of 2023

and

W.M.P(MD)Nos.8484 to 8486, 8187, 8089 and 8190 of 2023

W.P(MD)No.9510 of 2023:

G.Bathmapandian

... Petitioner

VS

- 1.The Mission Director,
State Rural Health Mission,
State Health Society,
Rep. by Commissioner for Maternal,
Child Health and Welfare,
5th floor, B.M.S.Complex,
351, Anna Salai,
Thenampet, Chennai – 600 006.
- 2.The District Collector cum Chairman,
District Health Society,
Theni District.
- 3.The Deputy Director of Health Service cum
Member Secretary,
Theni.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in connection with the impugned termination order passed by him in his proceedings in Na.Ka.No.282/A1/2022 dated 24.01.2022 and consequent impugned order passed by him in Na.Ka.No. 821/A6/2023 dated 27.02.2023 and quash the both as illegal and arbitrary in so far as the petitioner's concern and consequently direct the respondents to permit him to continue in service as Account Assistant in 3rd respondent office or in any of the vacant post based on his representations dated 24.01.2022, 01.02.2022, 11.02.2022, 24.03.2022, 27.04.2022 and 17.02.2023.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

* * * * *

W.P(MD)No.9023 of 2023:

R.Pandy ... Petitioner
vs

- 1.The Mission Director,
State Rural Health Mission,
State Health Society,
Rep. by Commissioner for Maternal,
Child Health and Welfare,
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3.The Deputy Director of Health Service cum
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Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent in connection with the impugned termination order passed by him in his proceedings in Na.Ka.No.282/A1/2022 dated 24.01.2022 and consequent impugned order passed by him in Na.Ka.No. 712/A6/2023 dated 28.02.2023 and quash the both as illegal and arbitrary in so far as the petitioners concern and consequently direct the respondents to permit him to continue in service as Account Assistant in 3rd respondent office or in any of the vacant post based on his representations dated 24.01.2022, 01.02.2022, 07.02.2022, 18.04.2022, 16.09.2022, 23.01.2023 and 17.02.2023.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

COMMON ORDER

Both writ petitions have been filed by the Account Assistants who are working in the National Rural Health Mission in the office of the Deputy Director of Health Service, Theni District, challenging the order of disengagement passed on 24.01.2022.



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2.A perusal of the impugned order indicates that the third respondent herein has disengaged the writ petitioners and thereafter, call for an explanation from the concerned employees to be submitted within a period of three days.

3.In one of the case filed by the writ petitioner in W.P.(MD)No.8285 of 2023, the petitioner had sent the reply on the same day. While considering the said reply, a stigmatic order has been passed on 27.02.2023, making serious allegation as against the writ petitioner. Therefore, it could be seen that the petitioners have been disengaged from service on certain serious allegations without putting them on notice.

4.The learned Counsel appearing for the writ petitioners has brought to the notice of this Court that similar issue was dealt with by the Hon'ble Division Bench in W.A.No.1583 of 2011 dated 08.08.2017, wherein this Court has set aside the order of the disengagement and directed the authorities to issue proper notice to the concerned persons, conduct enquiry and thereafter pass orders.

5.In view of the above said aspects, the impugned order in writ petition is hereby set aside, granting liberty to the respondent authorities to proceed in accordance with law, if they are so advised.



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6.It is needless to point out that pending the enquiry proceedings, the petitioners shall be reinstated. However, they shall not be entitled to any back wages.

7.With the above said observations, both the writ petitions stand allowed.
No costs. Consequently, connected miscellaneous petitions are closed.

07.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

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R.VIJAYAKUMAR, J.

RJR

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