



WP(MD) No.11729 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11729 of 2024

and

WMP(MD)Nos.10468, 10469 & 10471 of 2024

P.Sathyaseelan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The Director General of Police,
Police Head Quarters,
Kamarajar Salai, Mylapore,
Chennai- 600 005.

3.The Superintendent of Police,
District Police Office,
Thanjavur & District.

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4.The Additional Superintendent of Police,
Head Quarters, District Police Office,
Thanjavur District.

5.The Branch Manager,
City Union Bank,
Medical College Branch,
Medical College Road,
Thanjavur District.

6.V.Sasireka,
Sub Inspector of Police,
Nadukaveri Police Station,
THiruvaiyaru Taluk,
Thanjavur District.

7.Karuppaiah

... 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 entire records of the 3rd respondent herein passed in C.No.A1/19069/2019 D.O.No.268/2024 dated 15.03.2024 and quash the same and consequently direct the respondents 1 to 3 to reinstate the petitioner as Legal Officer to the 3rd respondent, Superintendent of



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Police, Thanjavur.

For Petitioner : Mr.K.Balasundaram
Senior Advocate
for M/s.KBS Law Office

For R1 to R4 : Mr.M.Lingadurai,
Special Government Pleader

ORDER

Heard Mr.K.Balasundaram, learned Senior counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 4.

2. The petitioner, who was appointed as a Legal Officer to the third respondent/Superintendent of Police, Thanjavur, has got termination of his contract through the impugned order of the third respondent, dated 15.03.2024 and the said order is under challenge.

3.The impugned order mentions about the enquiry report of the fourth respondent/Additional Superintendent of Police, dated 08.03.2024, submitted on the petition of the seventh respondent



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Karuppaiah, dated 27.12.2023, as the basis for the termination order.

4. The learned counsel for the petitioner submitted that the impugned order has been passed without giving any opportunity to the petitioner by furnishing a copy of the enquiry report, dated 08.03.2024 and by giving him an opportunity to defend the case and the impugned order will cause stigma on the petitioner's career and therefore, the same is liable to be set aside.

5. Mr.M.Lingadurai, learned Special Government Pleader submitted that before the enquiry report of the fourth respondent is filed, the petitioner was given an opportunity to offer his explanation to the petition submitted by the seventh respondent and the enquiry report was submitted only after making due enquiry. However, now the petitioner claims that the enquiry report submitted by the fourth respondent can be considered as preliminary enquiry and the petitioner should be given an opportunity to submit his explanation on the enquiry report subjected to the Departmental enquiry. The learned Special Government Pleader further submitted that even if the petitioner's term of contract presumed



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to be continuing in the absence of termination order, it would expire by 20.06.2024.

6. There is no dispute on the point that the petitioner was appointed on contract basis. But, the concern of the petitioner is understandable that the termination order is passed without giving him reasonable opportunity and only based on the enquiry report of the fourth respondent, some vague allegations are made against the petitioner and that will cause stigma on his career. Therefore, it is up to the third respondent either to accept the report submitted by the fourth respondent or not. Even the petitioner cannot have any issues of getting his contract terminated as it is going to be ended very soon. But, if the third respondent prefers to quote the report of the fourth respondent as the reason for termination, then the petitioner has to be given an opportunity to get discharge of the allegations made against him.



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7. In view of the same, the third respondent is directed to reconsider the order of termination issued on allegation and issue an order in view of the expiry of the contract period falls on today and pass that revised order within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petitions are closed.

20.06.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.11729 of 2024

Dated:
20.06.2024