



W.P.(MD)No.12747 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.12747 of 2024

and

WMP(MD)Nos.11348 & 11349 of 2024

T.Amutha

... Petitioner

Vs.

1. The Chief Executive Officer,
Vaazhndhu Kaattuvom Project,
5th Floor, SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai - 600 032.

2. The District Collector,
Collectorate, Virudhunagar,
Virudhunagar District.

3. The District Executive Officer,
Vaazhndhu Kaattuvom Project,
Virudhunagar,
Virudhunagar District.

... Respondents



W.P.(MD)No.12747 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned stigmatic order of termination in Na.Ka.No.57/Tha.Oo.Pu.Thi/2021, dated ...06.2024, signed on 08.06.2024 on the file of the respondent No.2 and quash the same as illegal and consequently to direct the respondents to retain the petitioner in the position of Project Executive - Skills and Jobs till the end of the contract period.

For Petitioner : Mr.S.Louis

For Respondents : Mr.M.Ramesh

Government Advocate

ORDER

Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.M.Ramesh, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition challenging the impugned order dated 08.06.2024 through which the petitioner's services were terminated and also for a consequential direction to the respondents



W.P.(MD)No.12747 of 2024

to retain the petitioner to the position of Project Executive -Skills and Jobs till the end of the contract period.

3. The petitioner has been appointed as Project Executive -Skills and Jobs for Vaazhndhu Kaatuvom Project(VKP) on 27.07.2022 for a period of one year. However, it is seen that the petitioner's term was renewed subsequently and the petitioner continued to be in the services of the third respondent. However, on 08.06.2024 the petitioner's services have been brought to an end on the allegation that the petitioner has not been executed her functions to the satisfaction of the respondents.

4. Though the petitioner's appointment is in contractual basis, the only grievance of the petitioner is that the impugned order has been passed in a stigmatic manner without giving proper notice and giving an opportunity to defend herself. He further submitted that the appointment order has been given by the first respondent. Hence, the services of the petitioner cannot be brought to an end by the second respondent.



W.P.(MD)No.12747 of 2024

WEB COPY

5. Such an argument cannot be taken to the extent of cancelling the order in view of the fact that it is always open to the second respondent to send it for ratification of first respondent.

6. Mr.M.Ramesh, learned Government Advocate for the respondents submitted that since the performance of the petitioner was not satisfied, her service has been terminated. If the petitioner's services have been simply terminated on the conclusion of the contract period, the petitioner would not have got any grievance. In fact, the petitioner need not have been given with any extension or renewal. Having given renewal to the petitioner and the petitioner is terminated before completion of the term of renewed contract period and that too on certain allegations. In the interest of justice and in accordance with the principle of natural justice, the petitioner is entitled to get notice in order to offer her explanation and conduct enquiry with regard to the allegation alone. However, there is no assurance to the petitioner that at the end of the enquiry even if the charges against the petitioner were not proved, the petitioner will be continued to be engaged by the respondents. Since the appointment of the petitioner is contractual one, the petitioner has borne



W.P.(MD)No.12747 of 2024

by the terms of the contract. If the terms of contract would reserve the right to the respondents to terminate the contract at any time at his will, then the petitioner cannot claim any better remedy of retention with the respondents.

7. So far as the order passed on allegations, the respondent shall issue show cause notice, by inviting her explanation and after the explanation is submitted and if the explanation is not satisfactory, the enquiry will be initiated for the purpose of proving the allegations by adopting the due procedure. If the respondents does not intend to give any show cause notice and conduct any enquiry, the second respondent shall recall the impugned order and replace it with a fresh termination order but without any allegations.

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

14.06.2024

NCC :yes/no
Index :yes/no
PJJ



W.P.(MD)No.12747 of 2024

WEB COPY

To

1. The Chief Executive Officer,
Vaazhndhu Kaattuvom Project,
5th Floor, SIDCO Corporate Office Building,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai - 600 032.

2. The District Collector,
Collectorate, Virudhunagar,
Virudhunagar District.

3. The District Executive Officer,
Vaazhndhu Kaattuvom Project,
Virudhunagar,
Virudhunagar District.



WEB COPY



W.P.(MD)No.12747 of 2024

R.N.MANJULA, J.

PJL

W.P.(MD)No.12747 of 2024

14.06.2024