



W.P.(MD).No.19745 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19745 of 2024

and

W.M.P(MD) Nos.16729 to 16731 of 2024

G.Prabhu

... Petitioner

Vs.

1. The Project Director/Member Secretary,
Tamil Nadu State Aids Control Society,
Chennai -8.
2. The Deputy Director of Health Services,
Theni, Theni District.
3. The District Aids Prevention and Control Officer,
Public Health Officer,
District Health Office,
Theni District.
4. The Medical Officer,
Primary Health Centre,
Devadhanapatti,
Theni District.
5. State Represented by
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
Crime No.224/2024

... Respondents



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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 relating to the impugned order in Letter. No.0015/DAPCU/ICTC-A/2024, dated 15.07.2024 on the file of the third respondent and quash the same as illegal and further directing the first respondent to reinstate the petitioner in service forthwith.

For Petitioner	: Mr.K.Jeyamohan
For R1	: Mrs.Niraimathy
For R2 to R5	: Mr.Amjadkhan Government Advocate

ORDER

The instant Writ Petition has been filed by a Counselor working in the fourth respondent Primary Health Centre, challenging the order passed by the fourth respondent on 15.07.2024, wherein he has been relieved from the post of Counselor.

2. According to the learned counsel appearing for the petitioner, the petitioner is a contractual employee on a consolidated basis and working as a Counselor to spread awareness about AIDS under the supervision of the first



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respondent. On 27.06.2024, an FIR has been lodged as against him in a private dispute in Crime No.224 of 2024, on the file of the Inspector of Police, Devadanapatti Police Station, Theni District. The petitioner was arrested on the said date and he was enlarged on bail on 04.07.2024.

3. After executing sureties, when the petitioner attempted to rejoin the duty, the services were temporarily cancelled, by an order dated 09.07.2024. Thereafter, under the impugned order dated 15.07.2024, he has been permanently relieved from the post. Challenging the said order, the present writ petition has been filed.

4. According to the learned counsel appearing for the writ petitioner, he is in service from the year 2006 onwards and the criminal case has nothing to do with the discharge of the official duties, but arises out of a private dispute. He would further submit that he was not put on notice before relieving him from duty.

5. Per contra, the learned Government Advocate appearing for the respondents 2 to 5 had contended that the petitioner is a contractual employee



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and since he was unauthorisedly absent for more than seven days, as per the terms of the contract, he was relieved from duty.

6. The contentions of the learned counsel appearing for the first respondent would reveal that the petitioner has been relieved from duty alleging certain misconduct on his part. A perusal of the impugned order reveals that FIR as against the writ petitioner is reflected as reference No.2. In such circumstances, the petitioner ought not to have been relieved from service without providing an opportunity to him.

7. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the third respondent herein. The third respondent shall provide an opportunity to the writ petitioner and after considering his explanation, is at liberty to pass orders in accordance with law.



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8. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Project Director/Member Secretary,
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Chennai -8.
2. The Deputy Director of Health Services,
Theni, Theni District.
3. The District Aids Prevention and Control Officer,
Public Health Officer,
District Health Office,
Theni District.



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4. The Medical Officer,
Primary Health Centre,
Devathanapatti,
Theni District.
5. The Inspector of Police,
Devadhanapatti Police Station,
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R.VIJAYAKUMAR,J.

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