



W.P.(MD) No.19627 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.19627 of 2018

and

W.M.P.(MD) No.17409 of 2018

S.Karthik Harihara Sudhan

... Petitioner

-VS-

1.The Registrar
Directorate of Distance Education (DDE)
Annamalai University
Annamalai Nagar
Cheidambaram-608 002

2.The Vice-Chancellor
Directorate of Distance Education (DDE)
Annamalai University
Annamalai Nagar
Chidambaram-608 002

3.The Director
Directorate of Distance Education (DDE)
Annamalai University
Annamalai Nagar
Chidambaram-608 002

4.Sri Devi

5.K.Suresh

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order reliving the petitioner from service issued by the first respondent in University Order No.487/2018 [C1] dated 28.08.2018 and quash the same and consequently direct the first respondent to pay salary arrears to the petitioner for his worked period from 16.01.2018 to till the date of allowing to join duty.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.A.Nawaz Khan
for M/s.Ajmal Associates
Standing Counsel for R1 to R3
No appearance for R4 & R5

ORDER

This writ petition has been filed challenging the impugned order, dated 28.08.2018, passed by the first respondent, terminating the service of the petitioner, who was appointed as a Junior Assistant on temporary basis on 05.12.2011.

2. Under the impugned order, the petitioner has been terminated from service on account of his unauthorized absence from duty and unsatisfactory performance.



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3. Admittedly, the petitioner had joined as a Junior Assistant in the respondent – University on temporary basis on 05.12.2011 and his tenure was periodically extended by the respondent – University every year. Under the impugned order, the first respondent has stated that frequently, the petitioner was absent from duty from November, 2017 onwards by stating that he was suffering from illness. The first respondent has observed in the impugned order that this kind of irregular attitude shows the petitioner's dereliction of duty, which affects the routine work in the University. The petitioner has also chosen not to appear for personal hearing, which was fixed on 26.07.2018, by the first respondent at 11.00 a.m. The reasons assigned by the respondent – University for terminating the service of the petitioner cannot be held to be unreasonable. The petitioner has been employed by the respondent – University only on temporary basis and on consolidated pay basis. His employment was renewed every year based on his performance. Only due to the fact that he was unauthorizedly absent from duty from November, 2017 onwards and after affording an opportunity of personal hearing to him on 26.07.2018, which he had failed to attend, the first respondent – University has passed the impugned order terminating the service of the petitioner on account of his dereliction of duty. The impugned order was passed in the year 2018. Admittedly, ever since the date of the



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impugned termination order, the petitioner has not worked in the respondent – University. No interim stay was granted by this Court in respect of the implementation of the impugned order.

4. For the foregoing reasons, this Court is of the considered view that being a temporary employment, the question of interfering with the impugned termination order at this stage that too after a lapse of almost six years from the date of the impugned termination order does not arise.

5. In the result, there is no merit in this writ petition and the same is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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ABDUL QUDDHOSE, J.

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