



WEB COPY



W.P.No.6089 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.6089 of 2017
and
W.M.P.No.6522 of 2017

K.J.Saanthi
W/o.C.Mani

... Petitioner

vs.

1. Government of Tamil Nadu
Rep. By its Principal Secretary
Industries Department
Fort St.George
Chennai-600 009.
2. Tamil Nadu Industrial Development
Corporation Ltd.,
Rep. By its Chairman & Managing Director
No.19-A, Rukmani Lakshmipathi Road
Egmore, Chennai-600 008.
3. The Chairman & Managing Director
Tamil Nadu Industrial Development Corporation Ltd.,
No.19-A, Rukmani Lakshmipathi Road
Egmore, Chennai-600 008.
4. Thiru.T.K.Arun
Senior General Manager & Secretary
(Senior General Manager – Finance & Accounts,

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Additional Charge)
Tamil Nadu Industrial Development Corporation Ltd.,
No.19-A, Rukmani Lakshmipathi Road
Egmore, Chennai-600 008.

5. Thiru.S.Senthilkumar
Senior General Manager
(Senior General Manager – Personal & Administration
Additional Charge)
Tamil Nadu Industrial Development Corporation Ltd.,
No.19-A, Rukmani Lakshmipathi Road
Egmore, Chennai-600 008. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 18.01.2017 issued by the third respondent in Letter No.2(247)/BII/2016, quash the same and consequently, direct the respondents to reinstate the petitioner with continuity of service, backwages and all other attendant and consequential benefits and award costs.

For Petitioner	:	Mr.V.Ajoy Khose
For Respondents	:	Mr.V.Nanmaran Additional Government Pleader for R1 Mr.Abhishek Murthy Standing Counsel for R2, R3 & R5 R4 – Served – NA.



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ORDER

WEB COPY The challenge in this writ petition is to the order dated 18.01.2017 passed by the third respondent. By the said order, the petitioner, who was appointed as General Manager (Finance) in the respondent Corporation, was terminated from service and directed to hand over the Identity Card, laptop, cellphone, etc.

2. The petitioner was appointed as General Manager (Finance) in the respondent Corporation vide order dated 20.08.2015, subject to certain terms and conditions. One of the conditions stipulated is that the petitioner's service was liable to be terminated during the period of probation without any notice and without liability for any compensation. The impugned order came to be passed during the probation period.

3. The learned counsel for the petitioner submitted that the petitioner had submitted a representation seeking reduction of the probation period from two years to three months. Without considering the said representation, the impugned order terminating the petitioner from service was passed, which according to the petitioner, is unjust. It was contended that the order of termination is stigmatic in nature and therefore, prior to terminating his



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service, the respondent Corporation ought to have conducted a domestic enquiry. Since the impugned order was passed without conducting such an enquiry, it was alleged to be arbitrary and discriminatory.

4. It was further submitted that the impugned order was passed at the instance of respondents 4 and 5, as the petitioner had raised queries regarding compliance with Government Orders in relation to clearing files pertaining to the grant of annual increments to the said respondents. In support of his submissions, the learned counsel relied upon the following decisions:

(i) *Dr. (Mrs.) Sumati P. Shere v. Union of India and Others*, (1989) 3 SCC 311;

(ii) *State of Punjab and Others v. Balbir Singh*, (2004) 11 SCC 743;

(iii) *Union of India and Others v. Mahaveer C. Singhvi*, (2010) 8 SCC 220;

(iv) *State Bank of India and Others v. Palak Modi and Another*, (2013) 3 SCC 607;

5. Per contra, the learned counsel for the respondent Corporation submitted that, in terms of the appointment order, the petitioner's service could be terminated during the probation period without issuing any notice.



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After due consideration, the respondent Corporation consciously passed the impugned order terminating the petitioner from service. It was further submitted that no stigma or adverse remarks are attached to the order of termination and, in the absence of any such stigma, the contention that termination without an enquiry is bad in law is misplaced. The learned counsel further submitted that the termination was one of discharge simpliciter, without any punitive or stigmatic consequences.

6. The arguments advanced by the learned counsel on either side and the materials placed on record have been carefully considered.

7. The appointment order dated 20.08.2015 reveals that the petitioner was appointed as General Manager (Finance) subject to certain terms and conditions, one of which stipulated that during the probation period, the service of the petitioner could be terminated without any notice and without liability for any compensation. It was further stipulated that upon completion of probation, the appointment would be terminable by either side by giving three months' notice or payment of salary in lieu thereof. The petitioner accepted these terms and conditions without demur and the same are binding on him.

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8. The decision relied upon by the learned counsel for the petitioner in

Dr. (Mrs.) Sumati P. Shere (supra) holds that even in cases relating to termination of a temporary Government servant on probation on the ground of non-suitability, it would be appropriate to inform the employee that his or her work or performance is not up to the mark, even though Article 311(2) of the Constitution of India is not attracted. With great respect, the said decision is distinguishable and not applicable to the facts of the present case, as the termination herein is simpliciter and not based on non-suitability or misconduct.

9. In **State of Punjab** (supra), the Hon'ble Supreme Court held that the termination of the respondent was not on account of misconduct, though certain incidents were examined only to assess suitability, having regard to the standards of discipline expected of police personnel. The Apex Court observed that the alleged misconduct was not the inducing factor for termination and that the order was not punitive in nature. It was, therefore, a case of discharge simpliciter, and conducting a formal enquiry prior to termination was held to be unnecessary.

10. The decision in **Union of India v. Mahaveer C. Singhvi** (supra) is



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also not applicable to the facts of the present case, as in that case, the State itself admitted that the discharge order of the probationer was issued on account of misconduct, which formed the very basis of termination. A similar view was taken by the Hon'ble Supreme Court in ***State Bank of India v. Palak Modi*** (supra).

11. In the present case, the termination of the petitioner's service was not on account of any misconduct but was a discharge simpliciter, strictly in accordance with the terms of the appointment order, which permitted termination during probation without notice and without payment of compensation. In the absence of any illegality or infirmity in the impugned order passed by the third respondent, the present writ petition is devoid of merits.

12. Accordingly, the writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

18.12.2025

Neutral Citation : Yes / No
Speaking / Non-speaking
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