



W.P.(MD)No.19021 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19021 of 2021

and

W.M.P.(MD)No.15814 of 2021

Suba

: Petitioner

Vs.

1.The Director,

Public Health and Preventive Medicine Department,
Chennai – 600 006.

2.The Deputy Director of Health Service,

Sivakasi,
Virudhunagar District.

3.The Taluk Health Officer,

Government Primary Health Centre,
Zamin Kollankondan,
Rajapalayam Taluk,
Virudhunagar District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.6743/A8/2017, dated 20.10.2020 and quash the same as illegal.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.A.Baskaran,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned termination order dated 20.10.2020 issued by the second respondent terminating the services of the petitioner.

2.The petitioner was appointed as multi-purpose hospital worker vide his appointment order dated 16.09.2016 issued by the second respondent. He was appointed on contract basis. Admittedly, he worked only for two days. According to the petitioner, only due to family circumstances, he could not attend duty. Therefore, according to the petitioner, after resolving his family problem, he made an application to the third respondent to re-join duty. According to the



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petitioner, the request of the petitioner to re-join service was not considered by the respondents. Hence, the petitioner filed a Writ Petition before this Court in W.P.(MD)No.1612 of 2021 seeking for a direction to the respondents to permit the petitioner to re-join duty as multi-purpose hospital worker. By order dated 02.02.2021 passed in the aforesaid Writ Petition, this Court had directed the respondents to consider the petitioner's representation dated 26.01.2020 seeking to re-join duty within a period of six [6] weeks from the date of receipt of a copy of that order. However, the third respondent sent a communication dated 04.02.2021, to the petitioner enclosing the impugned order dated 20.10.2020, passed by the second respondent terminating the services of the petitioner. The second respondent has dismissed the petitioner from service vide the impugned order dated 20.10.2020. According to the petitioner, without holding any enquiry, the petitioner has been dismissed from service.

3.A counter affidavit has been filed by the second respondent denying the contentions of the petitioner. They have stated that the petitioner was appointed only on contract basis and he had worked with the respondent only for two days and absented himself from duty thereafter. According to the respondents, even



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before a direction was issued before this Court in W.P.(MD)No.1612 of 2021, to consider the petitioner's representation to re-join duty, the impugned order dated 20.10.2020 came to be passed terminating the services of the petitioner, on account of his absence from duty. Therefore, according to the respondents only by following the due procedure established under law, the services of the petitioner has been terminated.

4.The following are the undisputed facts:

- a) the petitioner was appointed only on contract basis;
- b) the petitioner had worked with the respondents only for two days after the appointment order was issued in his favour;
- c) only in the year 2018, the petitioner gave a representation to the respondents to re-join duty though he had absented himself from duty after working for two days from 28.09.2016;
- d) even prior to the direction issued by this Court in W.P. (MD)]No.1612 of 2021, directing the respondents to consider the petitioner's representation seeking to re-join duty, the impugned order dated 20.10.2020 has been passed by the second respondent terminating the services of the petitioner;
- e) the petitioner was also issued with a show cause notice



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by the respondents prior to passing of the impugned order dated 20.10.2020, terminating the services of the petitioner. The petitioner has also sent a reply to the same and since the reply was not satisfactory, the respondents had passed the impugned order dated 20.10.2020, terminating the services of the petitioner.

5. Being a contract worker, the necessity to hold an enquiry does not arise. In fact, the respondents had issued show cause notice to the petitioner prior to the passing of the impugned order terminating his service. The show cause notice was also replied by the petitioner and only after the respondents found that the explanation to be unsatisfactory, they had terminated the services of the petitioner under the impugned order dated 20.10.2020. When the petitioner worked with the respondents only for a period of two days and being a contract worker and when it is an admitted fact that only due to the long unauthorised absence of the petitioner from service, his services has been terminated after issuing a show cause notice to him, the question of interfering with the impugned order does not arise. The petitioner is also not having the benefit of any interim stay of the operation of the impugned order though this Writ Petition was filed in the year 2021 itself and the impugned order is dated 20.10.2020.



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6.For the foregoing reasons, this Court does not find any merit in this Writ Petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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



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To

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ABDUL QUDDHOSE., J.

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