

W.P.(MD).No.20018 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.20018 of 2019 and
WMP(MD).No.16543 of 2019

V. Alagammai

... Petitioner

Vs.

1.The Chairman,
University Grants Commission (UGC),
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

2.The Registrar,
Alagappa University,
Karaikudi – 630 003.
Sivagangai District.

3.The Chief Warden,
Alagappa Hostel,
Alagappa University,
Karaikudi – 630 003.
Sivagangai District.
Respondents

...

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents 1 to 3 herein from terminating the service of the petitioner in the sanctioned post of



W.P.(MD).No.20018 of 2019

WEB COPY

“Matron” in which now she is working in Alagappa University, Physical Education Ladies Hostel, Karaikudi, Sivagangai District and consequently, directing the respondents 2 and 3 herein to permit the petitioner to discharge her duty as “Matron” in Alagappa University Physical Education Ladies Hostel, Karaikudi, Sivagangai District and disburse the monthly salary to the petitioner w.e.f 01.05.2019 and continue to pay the monthly salary along with other benefits.

For Petitioner : Mr.S. Bharathy Kannan

For Respondent 1 & 3 : No appearance

For respondent No.2 : Mr. T. Cibi Chakraborty

ORDER

This Writ Petition has been filed seeking to forbear the respondents 1 to 3 from terminating the services of the petitioner from the sanctioned post of “Matron” in which she is presently working at Alagappa University, Physical Education Ladies Hostel, Karaikudi, Sivagangai District. The petitioner also prays for a consequential direction to respondents 2 and 3 to permit her to continue discharging her duties as “Matron” in the said hostel and to disburse her monthly salary with effect from 01.05.2019 and to continue paying the same along with other attendant benefits.



W.P.(MD).No.20018 of 2019

WEB COPY

2. The petitioner was initially engaged as a Matron (Assistant Warden) in Alagappa University Ladies Hostel, namely “Umayal Hostel,” through proceedings issued by the Hostel Warden dated 12.09.2014. Her appointment was approved by the Registrar of the University vide order dated 29.10.2014, in the pay scale of Rs.1820/- + 280% Dearness Allowance, Rs.175/- House Rent Allowance and additional emoluments. She continued in service until 31.10.2017, subsequently she was transferred to the Physical Education Ladies Hostel by the 2nd respondent vide proceeding dated 31.10.2017. This transfer was also approved by the Registrar.

3. On 07.05.2019, the petitioner lodged a complaint with the Registrar regarding the alleged missing of her jewellery and sought appropriate action. In the third week of June 2019, the 3rd respondent allegedly asked her to withdraw the complaint. When the petitioner refused, she was not allowed to work from 01.07.2019. She later learned that she was suspended from service from that date. Despite repeated representations, she was not reinstated in service. Hence, she has approached this Court seeking relief against the alleged illegal termination.

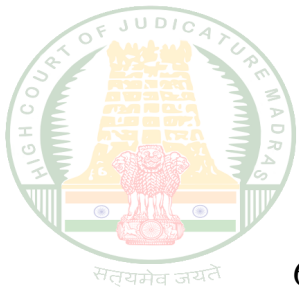


W.P.(MD).No.20018 of 2019

WEB COPY

4. The University, in its counter, contended that the petitioner was never appointed to a sanctioned post, and her engagement was purely temporary. She was initially engaged based on her representation dated 02.09.2014, and the Registrar had permitted her appointment on a temporary basis at Rs.165/- per day from 01.09.2014. It was further stated that in 2017, the University received complaints against her, and based on such complaints, she was orally terminated from service with effect from 01.07.2019. On 19.07.2019, another person was appointed in her place. The University argued that since the petitioner was not a regular or sanctioned appointee, her termination was valid.

5. The learned counsel for the petitioner, however, relied upon several official orders, including those related to her initial appointment, approval of her pay, and subsequent transfer, to establish that she was continuously engaged from 2014 to 2019. The University has not produced any written order of termination, suspension, or relieving the petitioner. There is also no documentary evidence placed before this Court indicating the nature or details of the alleged complaints against her.



W.P.(MD).No.20018 of 2019

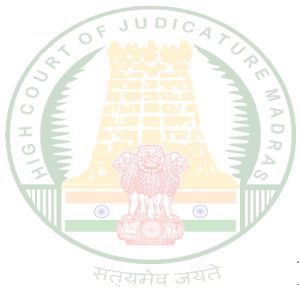
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6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. The documents produced by the petitioner clearly shows that she had been working continuously from 2014 to 2019. Therefore, the issue that arises for consideration is whether her termination allegedly carried out orally and without any inquiry or formal order and same is valid or not in law.

8. It is a settled legal position that even in the case of temporary or casual employment, if the services of an employee are to be terminated based on allegations of misconduct, an enquiry must be conducted. If the termination is for administrative or non-disciplinary reasons, a simpliciter order of termination can be passed. However, where the termination is grounded on alleged misconduct or irregularities, principles of natural justice and due process must be followed.

9. In the present case, although the University claims that there were complaints against the petitioner, it has not produced any document supporting this claim, nor has it shown that an enquiry was conducted.



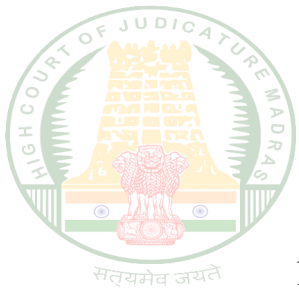
W.P.(MD).No.20018 of 2019

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10. The petitioner has also placed on record a letter dated 29.08.2019 issued by the enquiry committee, which refers to the complaint lodged by her about the missing of gold chain. This letter mentions that she was only engaged until May 2019 and had failed to return the keys. It does not clarify any formal cessation of her employment or any enquiry into the allegations against her.

11. Further, a proceeding dated 06.09.2019 from the Registrar simply directs the petitioner to return the keys, failing which further action would be initiated. The formation of the enquiry committee by the University appears to have occurred only after the Writ Petition was filed on 21.08.2019, which suggests that the action may have been reactionary.

12. On consideration of the entire record, it is evident that the petitioner had been engaged continuously from 2014 and that her disengagement from service on 01.07.2019 was not backed by any formal order or enquiry. The University's contention that she was only orally terminated is not acceptable, especially in view of the established law protecting even temporary employees from arbitrary termination, particularly where allegations of misconduct are involved.



W.P.(MD).No.20018 of 2019

WEB COPY

13. Accordingly, this Court holds that the petitioner shall be deemed to have been in continuous service from the date of termination, i.e., on 01.07.2019. Since the termination is illegal and violative of principles of natural justice, the petitioner is entitled to relief. However, considering that the petitioner was engaged temporarily and the nature of her employment, the respondents are directed to pay 50% of her wages from 01.07.2019 ie., the date of oral termination to till the date of this order. This shall be done within a period of eight weeks from the date of receipt of a copy of this order.

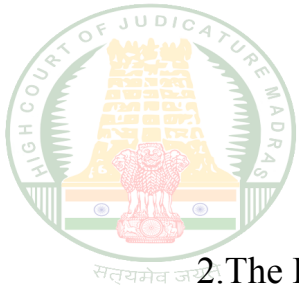
14. With the above directions, the Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.08.2025

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

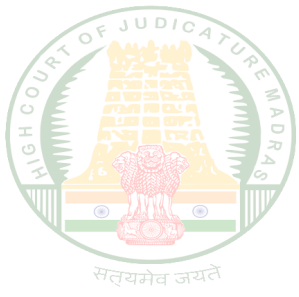
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