



WEB COPY

WP No. 1865 of 2
and WMP Nos.2011, 2013 & 2015 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 1865 of 2022

AND

WMP No. 2011, 2013 & 2015 of 2022

N.Raju
S/o.S.Natarajan,
Old No.53, New No.114,
Thiruvalluvarpuram 1st Street,
Choolaimedu, Chennai-600 094.

..Petitioner(s)

Vs

1. The Managing Director
Chennai Metropolitan Water Supply and
Sewerage Board,
No.75, Santhome High Road,
R.A.Puram, Chennai-600 028.
2. Employment Committee,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.75, Santhome High Road,
R.A.Puram, Chennai-600 028.
3. General Manager
Chennai Metropolitan Water Supply and
Sewerage Board,
No.75, Santhome High Road,
R.A.Puram, Chennai-600 028.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 3rd respondent in proceedings Pro. No.



CMWSSB/ P & A/ STF/ RA2/ 29798/2014 dated 28.10.2014 and consequential order passed by the 3rd respondent in Letter No. CMWSS/ P & A/ R & A2/ 30123/ 2021 dated 09.12.2021 by rejecting the petitioner's reinstatement and to quash the same as illegal and unsustainable in law and for a consequential direction to the respondents to reinstate the petitioner into the service in the respondent board as Assistant with continuity of service from 31.10.2014.

For Petitioner(s): Mr.R.Ramachandran

For Respondent(s): Mr. Krishna Ravindran
Standing Counsel for R1 to R3

ORDER

The present writ petition has been challenging the impugned order dated 28.10.2014 by and which the respondent authority accepted the resignation of the petitioner.

2. The learned counsel for the petitioner would submit that he was appointed as Junior Assistant in the respondent board on 24.05.2010. While so, he submitted his resignation on 31.07.2014 whereas the respondents have not accepted the resignation within the said period and they have accepted only on 28.10.2014. On the day of acceptance, the petitioner has given a letter whereas the respondents did not taken into consideration of such withdrawal and has passed impugned order dated 28.10.2014 accepting the resignation which is contrary to law. In this regard, learned counsel relied upon the provision under Section 50 of the Tamil Nadu Government Servants (Conditions of Service)



Act, 2016, were 90 days has been provided for appointing authority to accept the resignation. In support of his contention, he would also rely upon the

Division Bench Judgment of this Court in ***G.Parameshwari Vs. The Registrar General and Others*** reported in ***MANU/TN/1300/2016***

3. Per contra the said contention was totally objected by the learned Standing Counsel for the respondents. He would submit that according to the service rules, whenever any employee wants to resign his post he has to give 30 days notice and in this case the respondent authority had waited upto 28.10.2014 and only at the fag end of 90 days period, they have accepted the resignation and prior to the acceptance of the resignation, no letter was sent by the petitioner for the withdrawal of resignation. In view of the factual position the learned Standing Counsel would submit that there are no merits in the present writ petition. It is also his contention that the present writ petition is also hit by laches.

4. I have given my anxious consideration to either side submission. Coming to the factual position, the petitioner was appointed as Junior Assistant on 24.05.2010. After a period of four years on 31.07.2014, he has given a resignation letter. Admittedly the same was accepted by the department on 28.10.2014. The specific submission made by the petitioner is that when the conditions of service act stipulates 90 days, any acceptance of resignation prior



to 90 days would entitle the petitioner to challenge such acceptance.

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5. However, this Court is not in a position to accept this contention.

While perusing Section 50 of the Conditions of the Service Act it stipulates that the appointing authority can accept the resignation within a period of 90 days and if no resignation is accepted, it presume to be accepted by the appointed authority by deeming provision. In this case, while looking into the factual position, this Court has not seen any hasty act on the part of the respondents. They have waited almost for a period of 88 days and only at the fag end of the 90th day, they accepted the resignation and admittedly, prior to the said day there was no letter from the petitioner so as to withdraw the resignation. Therefore, this Court absolutely does not find any infirmity or perversity in acceptance of the resignation of the petitioner.

6. Apart from that as rightly contended by the learned Standing Counsel the very conduct of the petitioner to challenge such acceptance after a period of 8 years would also speaks volume about the conduct of the petitioner in pursuing the acceptance of the resignation. Therefore, apart from the above ground, the present writ petition is also liable to be dismissed on the ground of laches. Though the petitioner relied the rulings reported in ***G.Parameshwari Vs. The Registrar General and Others*** (cited supra) the same is distinguishable from the fact of the present case. Hence, this petition is dismissed.



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7. With the above observations, this Writ Petition is dismissed. No costs.

Consequently, connected Writ Miscellaneous Petitions are also closed.

13-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MTL

To

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C.KUMARAPPAN J.

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