

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN
AND
THE HON'BLE MR.JUSTICE T. MATHIVANAN

Writ Petition No.8625 of 2015
& M.P.Nos.1 and 2 of 2015

R.Selvam

... Petitioner

vs.

1. The Registrar General
High Court
Chennai-600 104.
2. The Learned Chief Judicial Magistrate
Court, Vellore.
3. The Learned Principal District Judge
Vellore-6.
4. The Learned Judicial Magistrate
Gudiyatham.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the Learned Chief Judicial Magistrate, Vellore bearing Dis No.1243/04.03.2014/2014/A, dated 26.02.2014, the second respondent herein and quash the same as non-est in the eye of law and consequently direct the respondents herein to re-appoint the petitioner to the post of Night-Watchman in the learned Judicial Magistrate Court, Gudiyatham, from 02.07.2012 with all consequential, attendant, service and monetary benefits, including seniority in the above said post from the above said date, and to pay the arrears of salary from the above said date, namely, 2.07.2012, till the date of re-appointment within a short date.

For petitioner : Mr.K.S.Govinda Prasad
For respondents : Mr.P.K.Rajagopal
Government Advocate.

O R D E R

[Order of the Court was made by
M.Jaichandren, J.]

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a writ of Certiorarified Mandamus to call for and quash the impugned proceedings of the second respondent, bearing Dis.No.1243/04.03.2014/2014/A, dated 26.02.2014, and consequently direct the respondents, to re-appoint the petitioner in the post of Night Watchman, in Judicial Magistrate Court, Gudiyatham, from 02.07.2012, with all consequential attendant, service and monetary benefits.

3. From the affidavit filed in support of the Writ Petition, and from the submissions made by the learned counsel appearing on behalf of the petitioner, it is noted that, the petitioner had been temporarily selected and posted to act as Night Watchman, at the Judicial Magistrate Court, Gudiyatham. The name had been called for from the Employment Exchange, as per the department proceedings, dated 15.12.2011. Subsequently, the petitioner has submitted his resignation letter, dated 06.07.2012. However, he had submitted a letter, dated 02.08.2012, to withdraw his letter of resignation, dated 06.07.2012.

4. Considering the facts of the case, the petitioner had been permitted to withdraw his resignation and he was asked to join duty, as per the proceedings of the department, dated 24.08.2012. Accordingly, the petitioner ought to have joined duty immediately. However, the petitioner had not joined duty and he had submitted a letter, dated 17.12.2012, expressing his unwillingness to join duty.

5. In such circumstances, in view of the circular of the High Court, dated 8.11.1984, in R.O.C.Nos.953 and 11419/B3/C1, the petitioner had been terminated from service, with effect from 01.07.2012. Thereafter, the petitioner had submitted an application,

dated 07.01.2014, for considering his re-appointment in service, in the judicial department.

6. In view of the facts and circumstances of the case, the application submitted by the petitioner had been rejected by the impugned proceedings, dated 26.02.2014. However, taking note of the fact that the petitioner had not joined duty, in spite of an opportunity having been given to him, and in view of his letter, dated 17.12.2012, expressing his unwillingness to join duty, the application of the petitioner, dated 07.01.2014, had been rightly rejected. As such, we are of the considered view that, the petitioner has not shown sufficient cause or reason for granting the relief as prayed for by the petitioner in the Writ Petition. Hence, the Writ Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Registrar General
High Court
Chennai-600 104.
2. The Learned Chief Judicial Magistrate
Court, Vellore.
3. The Learned Principal District Judge
Vellore-6.
4. The Learned Judicial Magistrate
Gudiyatham.

+1cc to Mr.K.S.Govinda Prasad, Advocate, S.R.No.20398

W.P.No.8625 of 2015

BVR(CO)
CA(29/04/2015)