



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.1277 of 2015

WEB COPY

S.Jothi

...

Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli 627 092.

2.The Assistant Director of Town
Panchayat,
Tirunelveli Zone,
Tirunelveli District 627 002.

3.The Executive Officer,
Vasudevanallur Town Panchayat Office,
Vasudevanallur (S.O),
Sivagiri Taluk,
Tirunelveli 627 758.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceedings of the 3rd respondent in Na.Ka.No.213/2013 dated 27.2.14 and quash the same and consequently directing the 3rd respondent to allow the petitioner to continue the service as sanitary worker in the 3rd respondents office.

For Petitioner

: Mr.M.P.Senthil

For Respondents

: Mr.M.Rajarajan,
Government Advocate.**ORDER**

Heard the learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.This writ petition has been filed challenging the order of the third respondent dated 27.02.2014 accepting the resignation of the petitioner dated 08.09.2013.

3.It is seen that the petitioner was given compassionate appointment as sanitary worker by proceedings dated 23.01.2013 of the third respondent. However, the petitioner has chosen to resign the said post through her letter dated 08.09.2013. It is further seen that the third respondent repeatedly asked the petitioner to give explanation as to why she has resigned the said post. In spite of seeking such explanation repeatedly, the petitioner has not chosen to respond to those communications. Thereafter, the present impugned order accepting the resignation came to be passed as early as on 27.02.2014. Challenging the



said communication, the present writ petition has been filed.

4. In my considered view, the resignation having been given by the petitioner as early as on 08.07.2013 and accepted by the competent authority on 27.02.2014, filing of the present writ petition, that too after a period of one year, challenging the said communication is not at all entertainable or maintainable.

5. No doubt, learned counsel for the petitioner pleaded sympathy. In my considered view, the petitioner was given a job on compassionate appointment and such being the position, she has to be careful enough to retain the said post. When she herself has chosen to resign the said post, there is no question of considering the case even on the ground of sympathy.

6. Accordingly, the writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli 627 092.

2. The Assistant Director of Town
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3. The Executive Officer,
Vasudevanallur Town Panchayat Office,
Vasudevanallur (S.O),
Sivagiri Taluk,
Tirunelveli 627 758.

+1 CC TO MR. P.SENTHIL, ADVOCATE S.R NO. 5240
+1 CC TO THE SPECIAL GOVT. PLEADER S.R NO. 4959

Writ Petition (MD) No.1277 of 2015
03.02.2015

sms

PAM 21.02.2015/6C/2P