

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.427 of 2016

S.Divya

... Petitioner

Vs.

- 1.The Indian Bank,
Rep. By its Managing Director and
Chief Executive Officer,
Corporate Office, 254-260,
Avvai Shanmugam Salai,
Royapettah, Chennai - 600 014.
- 2.The Tamil Nadu Public Service Commission,
Rep. By its Member Secretary,
Frazer Bridge Road, Park Town,
Chennai - 600 003.
- 3.The Deputy Director of Horticulture,
Aarani Block, Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the first respondent to relieve the petitioner from service of the first respondent forthwith from the date consequent to the letter of the first respondent dated 29.12.2015.

For Petitioner :Mr.R.Muruganandam
For R1 :Mrs.Rita Chandrasekaran
for M/s.Ayer & Dolia
For R2 :Ms.C.N.G.Niraimathi
For R3 :Mr.A.Kumar, Spl.GP

ORDER

By way of filing this writ petition under Article 226 of the Constitution of India, the petitioner seeks for issuance of a writ of mandamus to direct the first respondent to relieve her from the services forthwith from the date consequent to the letter of the first respondent dated 29.12.2015.

2. Heard the learned counsel appearing on either side.

3. It is seen that the petitioner, while working in the first respondent Bank, obtained a loan to the tune of Rs.19,66,500/- on 06.08.2013 by way of furnishing original title deeds as security for the loan. Thereafter, she attended the examination conducted by the TNPSC for the post of Horticultural Officer upon getting the No Objection Certificate from the Bank, whereby she got selected to the said post by the third respondent vide their proceedings dated 13.10.2015. Subsequently, she submitted her resignation letter on 10.10.2015. But, in view of the non-payment of the outstanding loan, the petitioner could not be relieved from the services of the Bank.

4. It is submitted by the learned counsel for the petitioner that the petitioner now has paid the entire outstanding loan amount, for which, the Bank has also issued No Objection Certificate. Counsel for the first respondent Bank has also stated that No Objection Certificate has been issued to the petitioner to the effect that there is no outstanding loan amount from the petitioner's side. Thus, the prayer made by the petitioner seeking a direction to the first respondent Bank to relieve her from the services has become infructuous.

5. However, the petitioner has also sought for interim direction to the third respondent to permit her to join service as Horticultural Officer, Aarani Block, Thiruvannamalai, forthwith without insisting upon the relieving order from the first respondent Bank, accordingly, it is stated by the counsel for the petitioner that a direction may be issued to the third respondent to consider the request of the petitioner.

6. As stated above, since the petitioner was issued with a No Objection Certificate from the first respondent Bank, the third respondent is directed to consider the request of the petitioner immediately without any legal impediment, as she had already resigned from the service of the first respondent Bank.

7. With the above direction, the writ petition stands disposed of. No Costs. Consequently, WMP.No.288 of 2016 also stands disposed of.

sd/-

Assistant Registrar(Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

rkm

To

1.The Managing Director and
Chief Executive Officer,
Indian Bank,
Corporate Office, 254-260,
Avvai Shanmugam Salai,
Royapettah, Chennai - 600 014.

2.The Member Secretary,
The Tamil Nadu Public Service Commission,
Frazer Bridge Road, Park Town,
Chennai - 600 003.

3.The Deputy Director of Horticulture,
Aarani Block, Thiruvannamalai.

+3 CC to MR.R.Muruganandam Advocate. SR.NO.6776
+1 CC to M/s.Ayer & Dolia Advocate. SR.NO. 6998
+1 CC to Govt.Pleader. SR.NO.6897

W.P.No.427 of 2016

CO-MP
JD 16/02/2016



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