

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22262 of 2017

P.Ayyasamy

..Petitioner

Vs

1.Information and Public Relations Department

Represented by its Secretary
The Government of Tamil Nadu
Secretariat, Chennai 600 009.

2.The Director and Ex-Officio Joint Secretary
Information and Public Relations Department
Tamil Development and Information(Administration)
Secretariat, Chennai 600 009.

3.The District Information and Public Relations Officer
Information and Public Relations Department
Cuddalore.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider petitioner's representation dated 21.04.2017 to consider the candidature for the Office of Assistant Public Relations Officer once again within the time frame as may be filed by this Hon'ble Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.R.S.Selvam
Government Advocate

ORDER

The relief sought for in this writ petition is for a direction to direct the second respondent to consider the representation submitted by the writ petitioner on 21.04.2017, with regard to his re-appointment to the post of Assistant Public Relations Officer (Advertisement).

2. The learned counsel appearing for the writ petitioner contended that the writ petitioner was appointed as per the Standing Order No.43 dated 25.02.2016, Tamil Development and Information(Administration-2) Department issued under General Rule 10(a)(1) of Tamil Nadu State and Subordinate Services Rules. The writ petitioner joined in the post and was working

for about one year. An opportunity to contest in the Tamil Nadu Assembly Elections 2016 was provided to the writ petitioner, and representing the All India Anna Dravida Munnetra Kazhagam (AIADMK), the writ petitioner contested in Thittakudi Assembly Constituency election in Cuddalore District. However, the writ petitioner was not elected and thereafter, waited for some time and made a representation to the second respondent on 21.04.2017 to consider his candidature against the post of Assistant, Public Relations Officer once again. Rule 41 of the Tamil Nadu State and Subordinate Services Rules speaks about the consequences of resignation ("a member of the Services, if he resigns, his appointment shall forfeit not only the services but by the post hold by him at the time of resigning all his previous service under the Government ")

3. The re-appointment of such person to service if at all made, shall be as per the Rules and it will be treated as a fresh appointment. On such reappointment, he shall not be entitled to count any portion of his previous services for any benefit or concession admissible in Rule or Order. Rule 41 (A) speaks about the acceptance of resignation. In the case on hand, the writ petitioner, in order to contest in the general election, submitted his resignation and the same was accepted by the competent authorities. Thereafter, the writ petitioner was relieved from Government services vide proceedings dated 04.04.2016. Thus, the question of considering his representation or issuing any direction in this regard by this Court under Article 226 of the Constitution of India, does not arise at all. To issue any such direction, semblance of right is a basic requirement and in the absence of any such right, this Court cannot issue any such direction, directing the authorities to consider the representation, since the writ petitioner has already resigned his job and the same was accepted by the competent authority. The question of considering his representation with regard to his re-appointment does not arise at all and this Court is of the firm opinion that the writ petitioner has no legal right to seek such direction to the competent authority to reconsider his case for appointment.

4. Thus, the writ petition is devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

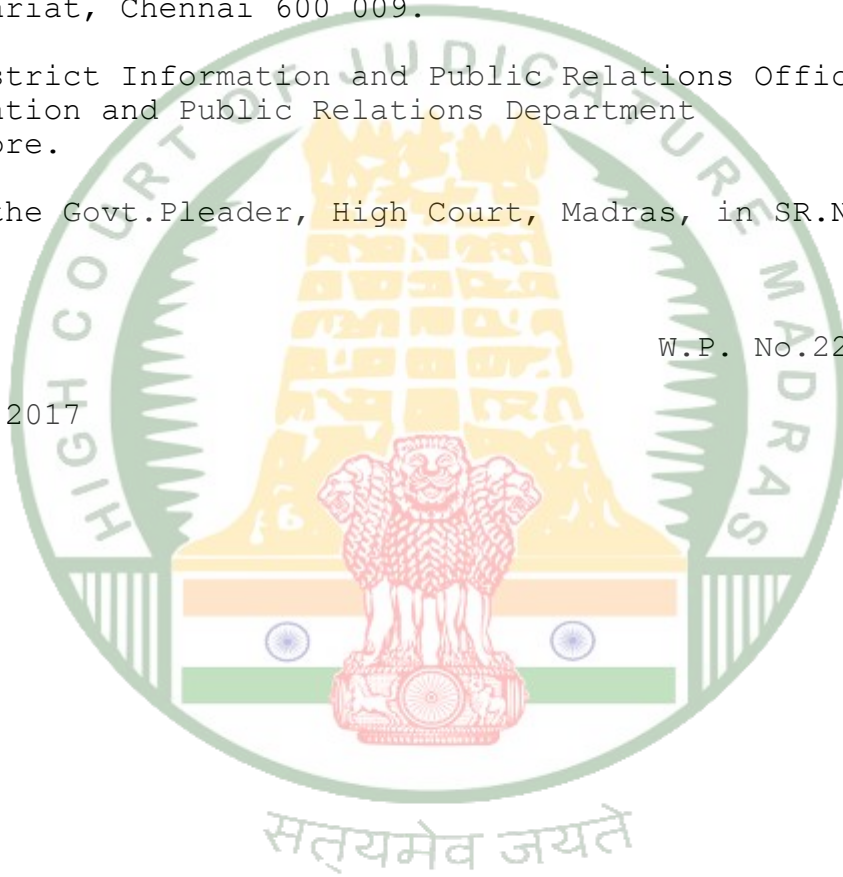
To

- 1.The Secretary
Information and Public Relations Department
The Government of Tamil Nadu
Secretariat, Chennai 600 009.
- 2.The Director and Ex-Officio Joint Secretary
Information and Public Relations Department
Tamil Development and Information(Administration)
Secretariat, Chennai 600 009.
3. The District Information and Public Relations Officer
Information and Public Relations Department
Cuddalore.

+1C.C.To the Govt.Pleader, High Court, Madras, in SR.NO.60523/17

W.P. No.22262 of 2017

BR (CO)
ADD 28.09.2017



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