

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8252 of 2010

S.Lakshmi

.... Petitioner

-Vs-

1.The Principal Secretary Cum Special Commissioner,  
Integrated Child Welfare Project,  
Taramani,  
Chennai-113.

2. The District Planning Officer,  
Child Development Project Office,  
District Collector's Office Complex,  
Villupuram taluk & District.

3. Child Development Project Officer,  
No.42,West VGP Nagar,  
Villupuram Taluk, &  
District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 3<sup>rd</sup> respondent to consider the representations dated 07.01.10 & 10.04.10.

For Petitioner : Mr.S.Srinath

For Respondents : Mrs.Bhuvaneshwari  
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the third respondent to consider the representations submitted by the writ petitioner on 07.01.2010 & 10.04.2010.

2. The learned counsel appearing for the writ petitioner states that on account of ill-health the petitioner was unable to attend duty and remained absent. Further, the writ

petitioner has worked more than 21 years with clean records of service. Therefore, the respondents ought to have been considered the case of the writ petitioner for joining duty.

3. The learned counsel appearing for the respondents state that the writ petitioner remained unauthorized by absent for more than one year and accordingly, she was removed from service on 04.09.2008, since, the writ petitioner was removed from service and the present writ petition cannot be entertained. This apart, the writ petitioner has not challenged the order of removal issued by the respondents.

4. May that it be, this Court is of the opinion that the writ petitioner admittedly remained absent from attending duty. Further, the learned counsel informed this Court that the writ petitioner had been removed from service. Under these circumstances, the question of issuing any direction to consider the representation does not arise at all. When the writ petitioner is not in service and even before passing the order of removal, she was in unauthorized absent, a direction to consider the representation cannot be issued by this Court under Article 226 of the Constitution of India. An employee unauthorizedly absent has to face the disciplinary proceedings under the rules in force, by merely submitting a representation, no writ can be filed for a direction to consider the representation. Thus, the relief sought for in relation to the facts and circumstances of the case is misconceived and no such direction can be granted in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1.The Principal Secretary Cum Special Commissioner,  
Integrated Child Welfare Project,  
Taramani,  
Chennai-113.

2. The District Planning Officer,  
Child Development Project Office,  
District Collector's Office Complex,  
Villupuram taluk & District.

3. Child Development Project Officer,  
No.42, West VGP Nagar,  
Villupuram Taluk, & District.

+1cc to the Government Pleader, S.R.No.86920

W.P.No.8252 of 2010

RRK(08/01/2018)



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