

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :11.09.2017

CORAM

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
AND
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15150 of 2017
and W.M.P.No.16424 of 2017

K.Saravanan

... Petitioner

Vs.

1.The Registrar General,
Hon'ble Madras High Court,
Chennai - 600 104.

2.The Principal District Judge,
Salem District,
Combined Court Campus,
Salem - 636 007.

3.The Chief Judicial Magistrate,
Salem,
Combined Court Campus,
Salem - 636 007.

4.The Judicial Magistrate,
Mobile Court,
Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus, to call for records pertaining to the impugned orders in (i) Roc.No.364/2014/C1 dated 05.09.2014 on the file of the 1st respondent, (ii) in Roc.No.2946/A/2013 dated 11.06.2013 on the file of the 3rd respondent and (iii) Roc.No.3279/2013 dated 19.06.2013 on the file of the 3rd respondent and quash the same; consequently direct the respondents to reinstate the petitioner into service as Office Assistant with continuity of service and all attended benefits, within a reasonable time to be fixed by this Court.

For Petitioner

: Mr.R.Neelakandan

For Respondents

: Mr.C.T.Mohan

ORDER

(Order of the Court was delivered by Rajiv Shakdher, J.)

1. Issue notice. Mr.C.T.Mohan, accepts notice for the respondents. Learned counsel for the respondents says he does not wish to file a counter, and that, he would argue the matter based on the record presently available.

2. Accordingly, with the consent of the learned counsel for the parties, the writ petition is taken up for hearing.

3. This is a writ petition filed against the order dated 05.09.2014, passed by the learned Registrar General.

4. The writ petitioner herein was appointed as Office Assistant in the Judicial Magistrate Court at Salem.

4.1. The writ petitioner's appointment was made on 24.03.2011.

4.2. The writ petitioner, admittedly, submitted his resignation letter on 10.06.2013, which was accepted by the learned Chief Judicial Magistrate (in short, "CJM") on 11.06.2013.

4.3. Evidently, a representation was made by the writ petitioner on 14.06.2013, for recall of his resignation letter. The writ petitioner's assertion in the representation was that he had a family to look after comprising two children and a mother, and that, he had tendered his resignation without soberly thinking the matter through.

5. We had called for the record of the writ petitioner. These facts which emerge there from demonstrate that the petitioner during his tenure of about two years has taken leave for long durations.

5.1. While, this may not, necessarily, be the rationale for sustaining the impugned order, it does show that the writ petitioner is not able to cope up with the pressure of the work.

5.2. The impugned order came to be passed by the learned Registrar General, on an appeal preferred by the writ petitioner against the order of the learned CJM dated 11.06.2013; whereby, his representation was accepted.

5.3. It is, in these circumstances, the instant writ petition was filed.

6. Mr.C.T.Mohan, who appears for the respondents, says that, once a resignation is accepted, it cannot be recalled. It is further submitted that resignation becomes effective from the date of its acceptance, and therefore, the delay in its communication cannot be held against the respondents. In support of his submission, counsel for the respondents relies upon the following Judgments:

(i) North Zone Cultural Centre and another V. Vedpathi Dinesh Kumar, (AIR 2003 Supreme Court 2719).

Supreme Court Cases 258)

7.We heard the learned counsel for the parties and, as indicated above, perused the record.

8.In our view, no interference is called for, with the impugned order passed by the learned Registrar General. The order, primarily, proceeds on the basis that the writ petitioner had on his own volition tendered his resignation and that the representation for its recall was made after its acceptance. The resignation, having been accepted prior to the representation for recall, the view taken in the impugned order cannot be disturbed as it is in consonance with the position in law on this aspect of the matter.

9.The writ petition is, accordingly, dismissed. Resultantly, pending application shall stand dismissed. There shall be, however, no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gg/pam

To

1.The Registrar General,
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Chennai - 600 104.

2.The Principal District Judge,
Salem District,
Combined Court Campus,
Salem - 636 007.

3.The Chief Judicial Magistrate,
Salem,
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Salem - 636 007.

4.The Judicial Magistrate,
Mobile Court,
Salem.

+1cc to Mr.R.Neelakandan, Advocate SR.No.66253

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SSI(CO)
GN(12/10/2017)

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