

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.4018 of 2011

R.Rajeswari

Petitioner

Vs

- 1.The Secretary to Government
Social Welfare and Nutritious Meal Scheme
Department, Fort St.George, Chennai-9
- 2.The District Collector, Trichy
- 3.The Assistant Commissioner, Sri Rangam Division
Trichy Corporation, Srirangam-6

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd Respondent in Na.Ka.Pa.6/714/10, dated 30.09.2010 and to quash the same and to direct the Respondents to reinstate the Petitioner into service as Noon Meal Organiser with all consequential and other monetary benefits.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.M.Karthikeyan, AGP-RR1 and 2
Mr.P.Srinivas-R3

ORDER

The prayer in this Writ Petition is to quash the proceedings of the 2nd Respondent, dated 30.09.2010 and consequently, to direct the Respondents to reinstate the Petitioner into service as Noon Meal Organiser with all consequential and other monetary benefits.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, the Petitioner was working as a Noon Meal Organiser under the

control of the 3rd Respondent and the Petitioner had made a proposal to the 2nd Respondent, enclosing her resignation letter, dated 20.12.2006 and thereafter, the said resignation letter was not accepted and the same was kept pending. Thereafter, the Petitioner had requested the 3rd Respondent to withdraw her earlier request for resignation on 23.02.2009. The 3rd Respondent had forwarded the said withdrawal letter dated 23.02.2009 to the 2nd Respondent by his proceedings, dated 17.02.2010. But, without considering the said withdrawal letter of the Petitioner and the said proposal, the 2nd Respondent had passed the impugned order, allowing the resignation letter of the Petitioner. Since the impugned order had been passed, without considering the withdrawal letter of the Petitioner, the same is to be quashed.

4. On the other hand, the learned Additional Government Pleader for the Respondents would submit that the resignation of the Petitioner was considered and the impugned order had been passed and thereafter, the Petitioner cannot submit an application for withdrawal of the her resignation and hence, the 2nd Respondent had rightly passed the impugned order.

5. On consideration of the facts and circumstances and the submissions of the learned counsel on either side and the materials available on record, it is seen that admittedly, the 3rd Respondent had submitted a proposal to the 2nd Respondent, enclosing the withdrawal letter of the Petitioner, by his proceedings, dated 17.02.2010, but without considering the said proposal, the 2nd Respondent had passed the impugned order. Therefore, this Court is of the considered view that without considering the withdrawal of resignation, the impugned order passed is per se illegal and the same is liable to be quashed.

6. Accordingly, the impugned order is quashed and the matter is remitted back to the 2nd Respondent to consider afresh, in the light of the communication sent by the 3rd Respondent, in his proceedings, dated 17.02.2010 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Srcm

To

1.The Secretary to Government
Social Welfare and Nutritious Meal Scheme
Department, Fort St.George, Chennai-9

2.The District Collector, Trichy

3.The Assistant Commissioner, Sri Rangam Division
Trichy Corporation, Srirangam-6

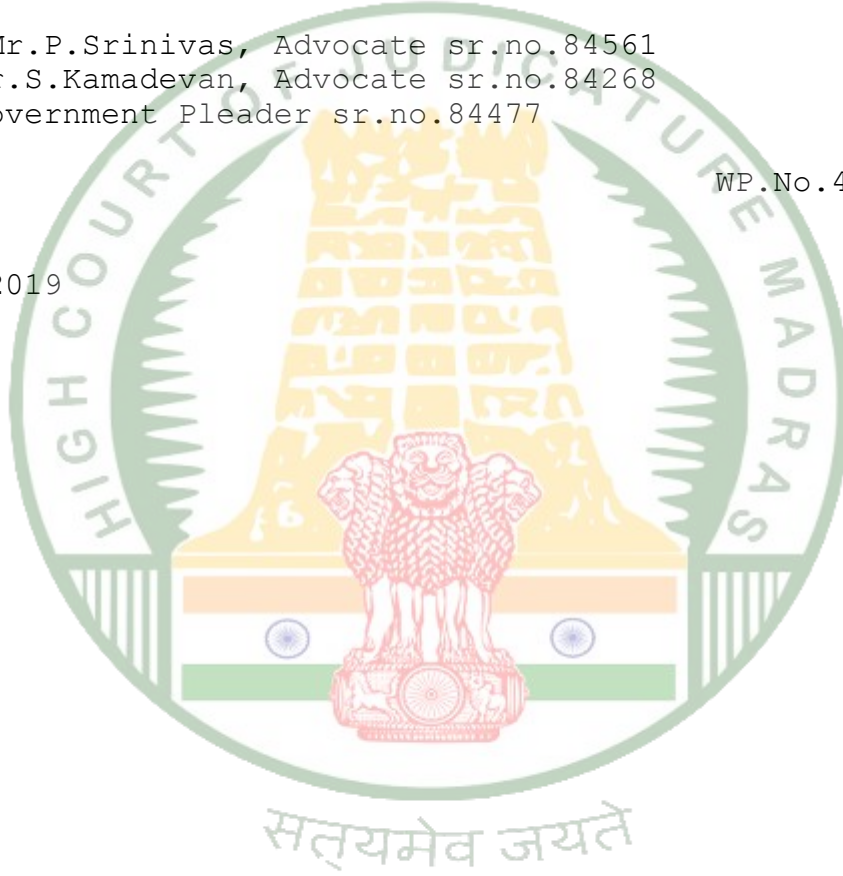
+1cc to Mr.P.Srinivas, Advocate sr.no.84561

+1cc to Mr.S.Kamadevan, Advocate sr.no.84268

+1cc to Government Pleader sr.no.84477

WP.No.4018 of 2011

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