

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.19740 of 2010
and M.P.No.1 of 2010

R.Hemamalini alias Anarkali

... Petitioner

vs.

1. The State of Tamilnadu,
rep. by the Secretary,
Health & Family Welfare Department,
Fort St. George, Chennai - 600 009.
 2. The Director of Rural Health and
Medical Sciences, Chennai - 6.
 3. The Joint Director of Rural Health Services,
Dharmapuri District, Dharmapuri.
 4. The Deputy Director of Rural Health Services,
Dharmapuri.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent's order made in Letter No.42588/AD2/2009-2, dated 02.08.2010, to quash the same and consequently, direct Respondents 1 to 4 to reinstate the Petitioner as Junior Assistant forthwith.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.K.Magesh,
Special Government Pleader

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O R D E R

Challenging the order dated 02.08.2010 passed by the 1st Respondent and for a consequential direction to the Respondents to reinstate her in service as 'Junior Assistant', the Petitioner has come up with the present Writ Petition.

2. According to the Petitioner, she was appointed as Junior Assistant on compassionate grounds, on the demise of her father and she joined the services of the Respondent/Rural Health Department in April 1991. She went on to state that, she married one Nazar and gave birth to a male child in the year 1999. Thereafter, her husband re-married for the sake of his family members and thereby, tortured the Petitioner. He obtained the Petitioner's signature in blank papers and used one such blank paper to send a forged resignation letter to the Respondent/Department, in such a manner that, the Petitioner has chosen to resign her job.

3. It is the case of the Petitioner that, she was not aware about the said resignation letter and that, she joined duty during December 1998 and worked till 05.01.1999. Thereafter, the 3rd Respondent vide proceedings in OO.Mu.No.8625/E1/2001, dated 11.10.2001, rejected the Petitioner's request in not allowing her to rejoin duty. It is further stated by the Petitioner that, her husband married thrice and that, her marriage was dissolved by an order of the Court. The Petitioner, then made a representation dated 26.03.2009 to the Respondents, seeking re-consideration of her resignation and for re-appointment. Pursuant to the order of this Court in W.P.No.14970 of 2009, the 1st Respondent vide Letter No.42588/AD2/2009-2, dated 02.08.2010, rejected the Petitioner's claim, stating that, the acceptance of her resignation was in order and therefore, the question of cancellation of resignation does not arise.

4. Heard the learned counsel for the parties and perused the material documents available on record.

5. Though the case of the Petitioner requires sympathetic consideration, she ought to have made a representation in respect of her grievance immediately after the resignation. Having worked till 05.01.1999, she has made a representation to the Respondents only on 26.03.2009, after a decade. On the score of laches, this Court is of the view that, the Petitioner is not entitled to the relief sought by her.

In fine, this Writ Petition fails and stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Secretary,
The State of Tamilnadu,
Health & Family Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Director of Rural Health and Medical Sciences,
Chennai - 6.
3. The Joint Director of Rural Health Services,
Dharmapuri District, Dharmapuri.
4. The Deputy Director of Rural Health Services,
Dharmapuri.

+1cc to Government Pleader in Sr No.26259

W.P.No.19740 of 2010
and
M.P.No.1 of 2010

LN (CO)
RV (02/09/2020)



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