



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.24324 OF 2021

K.P.Pathma

... Petitioner

Vs

The Chairman,
TNEB,
10th Floor, Eastern Wing,
NPKRR Maligai,
No.144, Anna Salai,
Chennai 600 002.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to consider the representation made by the petitioner dated 24.09.2021 and direct the respondent to consider the facts mentioned in the petition and the good records of the petitioner's earlier service and reinstate her in service.

For Petitioner : Mr.C.Arivazhagan

For Respondent : Mr.M.Abdul Kalam, SC

O R D E R

This writ petition has been filed to issue a writ of Mandamus, directing the respondent to consider the representation made by the petitioner dated 24.09.2021 and direct the respondent to consider the facts mentioned in the petition and the good records of the petitioner's earlier service and reinstate her in service.

2. Heard the learned counsel for the petitioner.



3. The case of the petitioner is that she was lastly working as an Assistant Executive Engineer in the respondent Board. According to her, she took voluntary retirement from service by representation dated 20.05.2020 and in consideration of the same, she was relieved from service on 18.08.2020. According to the petitioner, she was constrained to go on voluntary retirement from service in view of the Covid-19 pandemic outbreak in 2020.

4. After being relieved as early as on 18.08.2020, the petitioner has come up with the present writ petition with a prayer for issuance of writ of mandamus directing the respondent to consider her representation dated 24.09.2021 and reinstate her in service for her to continue in service till she attains the actual age of superannuation.

5. The reasons set forth in the affidavit filed in support of this petition are that the petitioner's husband is a senior citizen and not employed. Her son and daughter have got married and staying separately and hence she has been made to suffer without any financial and moral support.

6. This Court is unable to countenance and appreciate the case of the petitioner. The petitioner having submitted her voluntary retirement application on her own volition and being relieved on 18.08.2020, cannot seek reinstatement in service leisurely after the pandemic fears have subsided. It is not open to the Government servant like the petitioner to blow hot and cold viz., to go out of service at the time of her convenience and choice and seek reinstatement in service once again at her convenience and choice. The reasons set forth in the affidavit are absolutely without any merit and the same do not carry any modicum of conviction with this Court. The present writ petition is nothing but a speculative litigation which cannot be entertained for even a second.

7. For the above said reasons, this writ petition stands dismissed at the admission stage itself. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gsk



To

The Chairman,
TNEB,
10th Floor, Eastern Wing,
NPKRR Maligai,
No.144, Anna Salai,
Chennai 600 002.

+1cc to Mr.P.Subramanian, Advocate, S.R.No.58834

W.P.No.24324 of 2021

AD(CO)
RLP(01/12/2021)