



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.3904 of 2021

and

W.M.P. (MD)No.3129 of 2021

T.Alphonsal

... Petitioner

Vs.

1.The Principal District Judge,
Tuticorin District.

2.The Sub-Judge,
Thiruchendur,
Tuticorin District.

3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Broadway,
Chennai - 600 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to accept the resignation letter submitted by the petitioner, dated 01.09.2020 and relive her from service with effect from 30.11.2020, by considering the reminder request, dated 27.01.2021 and return all the Certificates of the petitioner, within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1 and R2 : Mr.N.Mohideen Basha

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is working as Steno-Typist Grade - III, made a request for voluntary resignation. The said request was not accepted and the same was returned on 23.12.2020, on the ground that three months prior notice has not been given and the charge framed is pending.

2.The learned counsel appearing for the petitioner submitted that returning papers on the ground that charge has been framed, cannot be countenanced. Therefore, it should not be construed as a return. Three months prior notice is something, which is reckoned from the date of the request. Therefore, in any perspective, the order cannot be sustained.



3.The learned Standing Counsel appearing for the respondents submitted that in view of the pendency of the charge, the request of the petitioner has not been considered.

4.The petitioner has been working as Steno-Typist Grade-III. We also perused the charge. The charge is one of not giving prior notice before submitting voluntary resignation. Even from the charge as framed, we can clearly hold that the petitioner does not want to continue to work with the respondents any longer.

5.In such view of the matter, there is no point in making the petitioner to work any longer. Now, the period of three months is also over.

6.In such view of the matter, respondent No.1 is directed to pass appropriate orders granting the request of the petitioner for voluntary resignation notwithstanding the charge framed. Appropriate orders will have to be passed within a period of three months from the date of receipt of a copy of this order.

7.This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal District Judge,
Tuticorin District.

2.The Sub-Judge,
Thiruchendur,
Tuticorin District.

3.The Secretary,
Tamil Nadu Public Service Commission, TNPSC
Broadway,
Chennai - 600 003.



+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-11254[F] dated 16/03/2021)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-11448[F] dated 16/03/2021)

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NA (CO)

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