



W.P.No.43481 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.43481 of 2016

Col.R.Ashok Kumar (Retd.)

... Petitioner

Vs.

1. Chief Secretary to Government,
The Government of Tamil Nadu,
Chennai – 600 009.

2. The Principal Secretary to Government,
Public Department,
Chennai – 600 009.

3. Additional Secretary to Government,
Public Department & Ex-Office Director,
Directorate of Ex-Servicemen's Welfare,
No.22, Raja Muthaiah Salai,
Chennai – 600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the third respondent in respect of the impugned order dated 13.10.2016 in Na.Ka.No.18426/2016/Nir.1 and quash the same as illegal, arbitrary and against law and consequently direct the first respondent to reinstate the petitioner as an Additional Director under the third respondent. (Prayer amended as per order dated 08.02.2017 in W.M.P.No.2215 of 2017)



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For Petitioner : Mr.K.N.Nataraj

For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

The writ on hand has been instituted questioning the order accepting the resignation submitted by the writ petitioner by the Government in G.O.(Ms).No.490 Public (Ex-Servicemen) Department dated 13.05.2016.

2. The petitioner is an Ex-Servicemen retired prematurely from the Indian Army as Colonel in EME Branch after rendering 23 years of service.

3. The petitioner was appointed as Joint Director of Ex-Servicemen Welfare under the control of the Public Department of the Government of Tamil Nadu. The petitioner was promoted to the post of Additional Director of Ex-Servicemen Welfare by the Government of Tamil Nadu in the same department.

4. However, the petitioner submitted an application of resignation resigning his job. The Government considered the resignation letter submitted



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by the petitioner and accepted the same and issued G.O.(Ms).No.490 Public (Ex-Servicemen) Department dated 13.05.2016. Consequently, the petitioner was relieved from service.

5. The petitioner filed the writ petition seeking the relief of reinstatement by reconsidering the acceptance order passed by the Government accepting the resignation letter submitted by the writ petitioner.

6. A resigned employee is not entitled for reinstatement. Once the resignation is accepted by the competent authority and an order was issued and the employee was relieved from services, then, there is no reason whatsoever to reconsider his acceptance of resignation for reinstatement of an employee. Such a consideration would arise, only if there was a coercion, fraud or otherwise.

7. In the present case, there is no such allegation, since the petitioner was holding the higher post of Additional Director of Ex-Servicemen Welfare and therefore, the petitioner submitted the resignation letter at his own volition which was accepted by the Government in the year 2016. Therefore, the petitioner is not entitled for reinstatement as such sought for in the present writ petition. Thus, the writ petition is devoid of merits.



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S.M.SUBRAMANIAM, J.

SSR

8. Accordingly, the writ petition stands dismissed. No costs.

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Index: Yes
Internet: Yes
Speaking order
rgm/ssr

To

1. Chief Secretary to Government,
The Government of Tamil Nadu,
Chennai – 600 009.
2. The Principal Secretary to Government,
Public Department,
Chennai – 600 009.
3. Additional Secretary to Government,
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