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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.30911 of 2018

C.Sivagami

... Petitioner

-Vs-

1.The District Collector
Dharmapuri District,
Dharmapuri.

2.The Community Nutritious Instructor
Block Project Nutritious Office
Nallampalli - 636 807
Dharmapuri District.

3.The Block Development Officer
Nallampalli Panchayat Union
Nallampalli, Dharmapuri.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent herein to consider the petitioners representations dated 10.01.2012 and 15.12.2017 in the light of G.O.Ms. No.154 (P and AR) (FR-IIIi) DATED 08.08.2000 and Government Letter No.53963/ FR-III/ 2000-9 P and AR (FR-III) Department dated 08.05.2003 regarding permission to the petitioner to re join duty in the post of Community Nutritious Meals worker in Soliyanoor Centre or any one of the vacat place in Nallampalli Panchayat Union Nallampalli Taluk Dharmapuri District by regularizing her leave period.

For Petitioner : Mr. D.Baskar
for M/s.R.Thamaraiselvan

For Respondents: Mr.V.Arun, Additional Advocate General
Assisted by Mr.R.Neethiperumal
Government Advocate - for RR 1 & 3

Mr.Gurunathan
Additional Government Pleader - for R2



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent herein to consider the petitioners representations dated 10.01.2012 and 15.12.2017 in the light of G.O.Ms. No.154 (P and AR) (FR-IIIi) DATED 08.08.2000 and Government Letter No.53963/ FR-III/ 2000-9 P and AR (FR-III) Department dated 08.05.2003 regarding permission to the petitioner to re join duty in the post of Community Nutritious Meals worker in Soliyanoor Centre or any one of the vacat place in Nallampalli Panchayat Union Nallampalli Taluk Dharmapuri District by regularizing her leave period.

2. The petitioner joined service as Community Nutritious Meals worker in the Community Nutritious Centre at Pappampatti, Nallampalli Panchayat Union, Dharmapuri District on 01.07.1993.

3. While she was working, she had taken leave, of course without any leave application, by making an oral request to the employer to go for higher studies. Since she was absent for a long time, she was not permitted to join duty thereafter. In order to rectify this position, the petitioner seems to have given a representation on 10.01.2012 and on 15.12.2017 and the same since was not considered, she moved this writ petition seeking for a writ of Mandamus to consider her representations stated supra.

4. However, when the writ petition was taken up for final hearing, Mr.V.Arun, learned Additional Advocate General appearing for the respondents submits that, the representations of the petitioner along with connected documents, having been considered, the plea of the petitioner was rejected through the order dated 06.06.2022 and in support of his contention, he has produced a copy of the said order also, under which the claim made by the petitioner has been rejected. Thereby, due to the unauthorised absence the petitioner cannot be reinstated once again and she has been sent out from duty.

5. However, the learned counsel for the petitioner submits that, without following any procedure contemplated in this regard since the rejection order has been passed on 06.06.2022, it would not be sustained. Learned counsel further submits that the petitioner has been advised to file a fresh litigation assailing the said order dated 06.06.2022, and therefore with that liberty this writ petition can be disposed of.

6. Recording the said development including the order dated 06.06.2022 passed by the respondents as well as the submissions made by the learned counsel for the petitioner, this Court is inclined to dismiss this writ petition as having become infructuous in view of the order dated 06.06.2022, of course



with a liberty to the petitioner to work out her remedy against the order dated 06.06.2022 in the manner known to law.

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Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

KST

To

- 1.The District Collector
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Dharmapuri.
- 2.The Community Nutritious Instructor
Block Project Nutritious Office
Nallampalli - 636 807
Dharmapuri District.
- 3.The Block Development Officer
Nallampalli Panchayat Union
Nallampalli, Dharmapuri.

+1cc to Mr.R.Thamaraiselvan, Advocate SR.No.32952

+1cc to Government Pleader SR.No.33702

W.P.No. 30911 of 2018

GP(CO)
GMY(20/06/2022)