



Writ Petition No.19806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.19806 of 2023

Mrs.R.Vijaya,
W/o.D.Vasu

... Petitioner

-Vs-

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd,
No.800, Anna Salai,
Chennai – 600 002.

2. The Chief Engineer,
Tiruvannamalai Electricity Distribution Circle,
TANGEDCO, Tiruvannamalai – 606 601.

3. The Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
TANGEDCO, Tiruvannamalai – 606 601.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent pertaining to impugned order in CMD TANGEDCO proceeding bearing No.3 dated 04.01.2023 and quash the same and consequently permit the petitioner to continue her service till her superannuation.



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For Petitioner : Mr.M.Selvan
for Mr.K.Venkateswaran
For Respondents : Mr.K.Rajkumar

ORDER

This writ petition has been filed to quash the impugned order permitting the petitioner to retire on voluntary basis and permit the petitioner to continue her service till her superannuation.

2. The grievance of the petitioner is that though she submitted an application for voluntary retirement on 28.09.2022, within three months i.e., on 10.11.2022, she withdrawn the said application for voluntary retirement. However, without considering the withdrawal application for voluntary retirement, now the impugned order has been passed to permit the petitioner to retire from service voluntarily. Challenging the same, the present writ petition has been filed.

3. When the matter came up before this Court on 06.07.2023, this Court directed the learned counsel for the respondents to verify whether any application has been submitted by the petitioner to withdraw the application for voluntarily retirement.



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4. The learned counsel appearing for the respondents, on instructions, would submit that after verification of the records, it is found that the petitioner has given an application to withdraw her application for voluntarily retirement on 10.11.2022. However, the same has not yet been considered.

5. I have heard the submissions of the learned counsel appearing on either side and I have perused the materials placed before this Court.

6. In view of the submission made by the learned counsel appearing for the respondents that the application submitted by the petitioner has not yet been considered, the impugned order passed by the first respondent is quashed and the matter is remanded back to the first respondent to pass an order on its own merits.

7. The first respondent is directed to take note of the application submitted by the petitioner to withdraw her application, which has been given for voluntarily retirement and pass orders on its own merits. Such exercise shall be done by the first respondent within a period of two months from the date of receipt of a copy of this order.



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N.SATHISH KUMAR, J.

mp

With these directions, this writ petition stands allowed. No costs.

22.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

To

1. The Chairman cum Managing Director,
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