



W.P.No.19954 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.19954 of 2018

&

W.M.P.Nos.23381 of 2018 and 6992 of 2021

K.Kalaivani

... Petitioner

Vs.

1.The Chairman
Tamil Nadu Industrial Explosives Limited
Registered Office
No.735, L.L.A, Building (1st floor)
Anna Salai, Chennai-600 002

2.The General Manager i/c
Tamil Nadu Industrial Explosives Limited
Katpadi, Vellore-632 007

3.The Personal Manager I/c General Manager
Tamil Nadu Industrial Explosives Limited
Katpadi, Vellore-632 007

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India

seeking to issue a Writ of Certiorarified Mandamus to call for the records

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relevant to the order in P&A/W1671/R.O/2018 dated 12.06.2018 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable arbitrary against the principles of natural justice and procedural violation thereby direct the respondents to allow the petitioner to get voluntary retirement from her service and enable here to receive all her VRS service benefits.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.M.A.Adbul Wahab for R2

No Appearance for R1

ORDER

The Writ Petitioner has approached this Court seeking issuance of a Writ of a Certiorarified Mandamus to call for the records in P&A/W1671/R.O/2018 dated 12.06.2018 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable arbitrary and against the principles of natural justice and in procedural violation and to consequently direct the respondents to allow the petitioner to get voluntary retirement from service and consequently all service benefits.



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2. The facts as set out by the Writ Petitioner in support of the Writ Petition by way of affidavit are that the petitioner was appointed as a worker in the respondents explosives limited company on 11.12.1992. She was subsequently promoted to the grade of Junior Technician (Process) and in the month of October 2017, a notification was issued with regard to closure of Tamil Nadu Industrial Explosive Limited. Two options were given to employees viz., either namely to opt for Voluntary Retirement Service or re-employment in any the other Government department with continuity of service. According to the petitioner, the petitioner initially opted for re-employment and she was also called for an interview on 28.05.2018. However, the petitioner volunteered to give a letter citing personal reasons and health issues that it would not be possible for the petitioner to seek re-employment. Subsequently on 11.06.2018, the petitioner addressed a representation to the respondents allowing the petitioner to go on VRS and to consequently to pay all VRS benefits to the petitioner. According to the petitioner, the respondents, in a hurried manner, on the very next day i.e., 12.06.2018 relieved the petitioner and thereafter also settled her service



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benefits. The order dated 12.06.2018 is challenged in this Writ Petition on the ground that it is unreasonable and the said order has deprived the petitioner of getting her VRS benefits. For all these grounds and various other grounds set out in the memorandum of grounds, the petitioner seeks to quash the impugned order dated 12.06.2018.

3. The 2nd respondent has filed a counter stating that the petitioner was appointed only on compassionate grounds as her husband met with an accident while he was in service. The petitioner's attendance was not satisfactory during probation period and therefore the probation was also extended by two months. The petitioner was also issued a warning for alleged misconduct. In so far as the request made by the petitioner, the respondents submit that it was the petitioner who opted to be relieved from service if she would not be given the benefit of VRS scheme. Accordingly, the respondents have acted upon the said representation of the petitioner and passed the impugned order. Therefore, there is nothing arbitrary or unreasonable in the action taken by the respondents and the respondents sought for the dismissal



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of the Writ Petition.

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4. Heard Mr.A.Rajesh Kanna, learned counsel appearing for the petitioner and Mr.M.A.Abdul Wahab, learned counsel appearing for the 2nd respondent.

5. This Court has considered the rival submissions and also the various documents filed in support of the Writ Petition as well as documents filed by the respondents by way of typedset of papers.

6. Admittedly, the petitioner chose to seek re-employment. However, the petitioner withdrew the said option and instead opted for VRS. In this backdrop the letter dated 11.06.2018 assumes importance. The petitioner has categorically mentioned that she might be provided with the VRS scheme and if that was not possible, she may be relieved. In pursuance thereof on 12.06.2018, the respondents have issued the relieving order acting upon the request of the petitioner. When the petitioner herself has given an option to



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the respondents to relieve the petitioner in the event of the VRS scheme not being made applicable to her, it cannot be said that the action of the respondents is arbitrary, unreasonable or illegal warranting interference under Article 226 of the Constitution of India by way of this Writ Petition. Writ Petitions fails being devoid of merits. Consequently, dismissed. No costs. Consequently, connected miscellaneous petitions are closed. However, this order shall not stand in the way of the petitioner becoming entitled to any service benefits that may be due and payable to her.

13.06.2023.

Internet:Yes
Index:Yes/No
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To

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