



W.P(MD)No.10294 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10294 of 2023

and

W.M.P.(MD)No.9147 of 2023

Suganya

... Petitioner

Vs.

**1.The Director General of Police,
Chennai.**

**2.The Superintendent of Police,
Virudhunagar District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to R.C.No. 3170905/Rect 1(2)/2022, dated 03.02.2023 passed by the first respondent and quash the same as illegal.

For Petitioner : Mr.C.Senthil Murugan

**For Respondents : Mr.K.Balasubramani
Special Government Pleader**

ORDER

Heard the learned counsel on either side.



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2. The petitioner joined the police department as Grade II Police Constable in the year 2013. The petitioner due to health ground resigned her job on 27.03.2013. Her resignation was also accepted. Later, the petitioner took part in the recruitment process held during the year 2018 and she was successful. She joined the department in the year 2019. Now, she wants her seniority to be reckoned from 28.01.2013. Her request was considered and rejected on 03.02.2023. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not persuaded by the submission of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Special Government Pleader, once the petitioner had resigned, the consequence would be that her previous service would stand forfeited. Rule 35 of the



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Special Rules for TNPSS reads as follows:-

“35:-Consequences of resignation:

A member of the service shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of resignation but all his previous service under the Government of the State of Tamil Nadu or any other Government in India.

The re-appointment of such of person to the service shall be treated in the same way as a first appointment to the service by direct recruitment and all rules governing such appointment shall apply; and on such re-appointment, he shall not be entitled to count any portion of his previous service for any benefits or concession as admissible under any rule or order.”

5. The impugned order is in consonance with the aforesaid Rule.

No case for interference has been made out. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

- 1.The Director General of Police,
Chennai.
- 2.The Superintendent of Police,
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