



W.P(MD)No.19759 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.19759 of 2016

and

W.M.P(MD)Nos.14249 & 14250 of 2016

B.Banumathi

... Petitioner

Vs.

1.The Secretary to Government,
Social Welfare Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

2.The Director,
Social Welfare Department,
Integrated Child Development Project,
Tharamani,
Chennai – 600 113.



W.P(MD)No.19759 of 2016

3.The District Project Officer,
District Project Office,
Sivagangai District,
Sivagangai.

4.The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records connected with the impugned order passed by the first respondent in letter No.9107/Sa.Vu.thi.2/2008, dated 19.09.2008 and the consequential order passed by the third respondent in Na.Ka.No. 2330/A1/2012, dated 31.1.2012 and quash the same and consequently to direct the third respondent to reinstate the Petitioner as Anganwadi Worker with back wages and continuity of service with all other attendant monetary and other service benefits.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.P.Subbaraj,

Special Government Pleader



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W.P(MD)No.19759 of 2016

ORDER

The order of rejection issued by the first respondent in proceeding dated 19.09.2008 and the consequential order passed by the third respondent in proceeding, dated 31.1.2012 are under challenge in this Writ Petition. Further direction is sought for to direct the third respondent to reinstate the Petitioner as Anganwadi Worker with back wages and continuity of service with all other attendant monetary and other service benefits.

2. The learned counsel for the Writ Petitioner states that the Writ Petitioner was appointed as Anganwadi Worker on 31.12.1982 and has got a clean record of service. The Writ Petitioner has decided to contest in the local body election for the post of President of the local Panchayat held during the month of November 2011. The Petitioner had contested in the election and before submitting her nomination for contesting the election, she had resigned her job and accordingly, submitted a letter to that effect. The resignation letter submitted by the Writ Petitioner was accepted and she was relieved from service.



W.P(MD)No.19759 of 2016

WEB COPY

Unfortunately, the Writ Petitioner was defeated in the election. After getting defeated, the Writ Petitioner changed her mind and submitted a representation to the authorities for reinstatement and to pay back-wages. The authorities have passed an order in proceeding dated 31.01.2012 stating that Anganwadi Workers, who had resigned from their jobs for the purpose of contesting the local body election cannot seek for reinstatement or re-employment. By stating so in the Government letter in this regard, the claim of the Writ Petitioner for reinstatement was rejected.

3. The learned counsel for the Writ Petitioner states that the Writ Petitioner had already served for about 28 years and therefore, her case may be considered even for compassionate allowance under the Tamil Nadu Pension Rules. This Court is of the opinion that even for compassionate allowance, the Writ Petitioner has to submit a separate representation to the competent authorities, if rule permits. Thus, this Court cannot express any opinion in this regard and it is left open to the Writ Petitioner to submit a representation, if she is otherwise eligible, for grant of any such allowance.



W.P(MD)No.19759 of 2016

WEB COPY

4. The learned Special Government Pleader appearing on behalf of the respondents states that the Writ Petitioner had resigned her post for the purpose of contesting in the local body election. The Petitioner had contested in the election and was defeated. Thus, she cannot go back and claim for reinstatement.

5. This Court is of an opinion that resignation amounts to forfeiture of past service rendered by an employee, who had submitted her resignation and on acceptance, the employee cannot now go back and claim for reinstatement. Once the resignation is accepted, that becomes end of the matter and thereafter, the employee cannot think back and submit any application for withdrawal of resignation, as the employee is aware that the resignation amounts to forfeiture of past service.

6. In the present case on hand, the Writ Petitioner had submitted her resignation knowing all these factors and contested in the local body election. Such being the factum of the case, this Court is of an opinion that the Writ Petitioner cannot now go back and claim for



W.P(MD)No.19759 of 2016

reinstatement, in view of the fact that the Writ Petitioner's resignation had been accepted even before her contest in the local body election.

7. Accordingly, for the reasons stated above, this Writ Petition is dismissed.

8. No costs.

9. Consequently, connected miscellaneous petitions are closed.

22.08.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
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W.P(MD)No.19759 of 2016

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WEB COPY



W.P(MD)No.19759 of 2016

BATTU DEVANAND, J.

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W.P(MD)No.19759 of 2016

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