



W.P.(MD).No.26648 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.26648 of 2019

and

W.M.P(MD)No.22986 of 2019

K.Anbarasi

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Personal Assistant to Collector,
(Nutrious Meal Programme),
Dindigul Collectorate, Dindigul.

3.The Commissioner,
Ottanchatram Panchayat Union,
Ottanchatram, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records connected with impugned Order in Na.Ka.No.030/2019/Voo.Va.13 dated 24.10.2019 passed by the 2nd respondent denying permission to join duty and quash the same and consequently direct the respondents to permit the petitioner to join duty as Cook Assistant as per the order of appointment dated 16.11.2017 passed by the 2nd respondent in any one of the vacant centres at



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Chinnakaratupatty, Periyakaratupatty, Kandhappgoundanvalasu, Royagoundanpudur and other vacant centers in the 3rd respondent Union in view of the inability of the petitioner to join duty immediately on receipt of the appointment order dated 16.11.2017 due Hospitalization and Surgery to the petitioner and the petitioner's 1 and a half year daughter and the sudden demise of the petitioner's father.

For Petitioner : Mr.S.Govindan

For R1 & R2 : Mr.J.John Rajadurai
Government Advocate

For R3 : No Appearance

ORDER

The present writ petition has been filed to quash the order, dated 24.10.2019 and consequently, direct the respondents to permit the petitioner to join duty as Cook Assistant as per the order of appointment, dated 16.11.2017.

2. The petitioner belonged to Scheduled Caste Community. She has participated in the recruitment process for the post of Cook Assistant. The respondent has issued an appointment order on 16.11.2017. The petitioner could not join the said post due to various incidents happened in the petitioner's personal life and the petitioner had narrated in the affidavit. The contention of



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the petitioner is that her daughter fell sick and she was admitted in the hospital and she has undergone treatment until 15.11.2017. Thereafter, the petitioner had uterus problem and she underwent operation on 08.12.2017. The petitioner attempted to inform the circumstances of the petitioner through her husband in person on 18.12.2017. According to the petitioner, the then officer who was the 2nd respondent was gracious enough to accommodate the petitioner. However, subsequently, due to transfer of the said officer, the petitioner's claim was not considered by the respondents who occupied the said post.

3. Thereafter, the petitioner submitted a detailed representation on the Grievance Day on 12.11.2018. Since no orders were passed cancelling the appointment order of the petitioner, the petitioner was under the impression that the respondent would grant permission to join the duty. But subsequently the 2nd respondent rejected the petitioner's request vide letter, dated 28.02.2019 denying permission to join the post. Hence, the petitioner preferred W.P(MD)No.7885 of 2019 and this Court directed the respondents to consider the representation and pass orders. The respondents have considered the representation and passed the impugned order. Aggrieved over the same, the present writ petition is filed.



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4. The respondents have rejected the claim stating that inspite of appointment order, the petitioner has not joined the said post and it would be cancelled. It is also stated that the said post is shown as vacant post and the post has already been surrendered to the appropriate authority. Challenging the said impugned order, the present writ petition is filed.

5. The contention of the petitioner is the respondents have not cancelled the appointment order. Even according to the impugned order, the respondents have stated that it would be cancelled. As on date, it has not been cancelled. However, the respondents submitted that since the petitioner has not joined the said post, it is shown as vacant post and it has been surrendered to the appropriate authority.

6. This Court is of the considered opinion that the petitioner had encountered serious incidents in her personal life, which has forced the petitioner not to join the said post in spite of appointment order, especially, the petitioner's father died on 18.01.2019 and she had undergone operation for



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uterus problem on 08.12.2017. The respondents ought to have taken all these factors into consideration and sympathetically considered the case of the petitioner. Hence, this Court is directing the 1st respondent to appoint the petitioner in the post of Cook Assistant at Chinnakaratupatty Middle School at Ottanchatram Panchayat Union. It is made clear that the petitioner is entitled to all benefits from the date of issuance of the appointment order. The 1st respondent is directed to issue fresh appointment order within a period of one week from the date of receipt of a copy of this order. The petitioner shall join the post within a period of one week from the date of appointment order.

7. With this direction, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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2. The Personal Assistant to Collector,
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S.SRIMATHY, J.

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