



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22176 of 2024

J.Jaffar Sadiq Ali

... Petitioner

Vs.

1.The Registrar (Housing)
No.40, Ritterdan Road,
Veperi, Chennai – 7.

2.The Deputy Registrar (Housing).
Fairlands, Salem.

3.The Administrator,
Thammampatty Co-operative House Building Society Limited,
Thammampatty, Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to accept the petitioner resignation with effect from 01.04.2024 in accordance with the petitioner resignation letter dated 28.12.2023 and based on petitioner representation dated 29.06.2024 addressed to the respondents herein.



For Petitioner : Mr.V.Subramanian

For Respondents : Mr.P.Balathandayutham
Special Government Pleader
for R1 and R2

Mr.C.Kathiravan
Special Government Pleader
for R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to accept the resignation of the petitioner w.e.f. 01.04.2024 in line with the resignation letter dated 28.12.2023 submitted by the petitioner.

2.The case of the petitioner is that he was working as the Secretary in the 3rd respondent Society and his date of superannuation falls on 31.05.2015. The petitioner wanted to submit his resignation and leave the 3rd respondent Society. Hence, the petitioner submitted the resignation to the 3rd respondent on 28.12.2023, by informing the 3rd respondent the proposed retirement date on 01.04.2024. The 3rd respondent in turn had forwarded it to the 2nd respondent



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through letter dated 11.03.2024. The 3rd respondent has also requested the 2nd respondent to form the Committee in order to decide on the resignation letter that has been submitted by the petitioner. That apart, the 3rd respondent Society also passed a resolution dated 21.01.2024 recommending the 2nd respondent to constitute a Committee to consider the resignation given by the petitioner. Even thereafter, the 3rd respondent sent a reminder on 11.03.2024, requesting the 2nd respondent to act upon the resignation letter submitted by the petitioner. Since no action was taken, the present writ petition was filed before this Court.

3. When the matter came up for hearing on 07.08.2024, this Court directed the learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents to take instructions.

4. Pursuant to the above order, the matter was listed for hearing today. The learned Special Government Pleader submitted the written instructions received from the 2nd respondent. It is stated as if the resignation of the petitioner along with all the relevant documents was not submitted in the office of the 2nd respondent. On such submission, the 2nd respondent is willing to proceed further



in accordance with law.

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5.The materials that have been placed before this Court shows that the 3rd respondent has already placed the resignation letter of the petitioner before the 2nd respondent and has also requested the 2nd respondent to constitute the Committee. Such request was also reiterated by the resolution that was passed by the 3rd respondent Society on 21.01.2024, requesting/recommending the 2nd respondent to constitute the Committee.

6.In view of the above, there shall be a direction to the 2nd respondent to immediately act upon the resignation submitted by the petitioner which was forwarded by the 3rd respondent Society recommending for constituting a Committee to deal with the resignation letter. The employer of the petitioner is the 3rd respondent and the 3rd respondent has already accepted the resignation. What remains is only the Committee to be constituted by the 2nd respondent to act upon the same and to formally accept the resignation, if it is not otherwise permissible for any reasons. This process cannot be kept pending endlessly, since the petitioner has already expressed his mind.



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7. In the result, there shall be a direction to the 2nd respondent to immediately constitute the committee and to take a final decision on the resignation submitted by the petitioner, within a period of four weeks from the date of receipt of copy of this order. The decision shall be conveyed to the petitioner and also to the 3rd respondent Society.

8. This writ petition is disposed of with the above directions. No Costs.

16.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
SSR

To

1. The Registrar (Housing)
No.40, Ritterdan Road,
Veperi, Chennai – 7.

2. The Deputy Registrar (Housing).



Fairlands, Salem.

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N. ANAND VENKATESH, J.

ssr

3.The Administrator,
Thammampatty Co-operative House Building Society Limited,
Thammampatty, Salem.

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