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W.P.No.33237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 11.11.2024

DELIVERED ON: 20.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.33237 of 2024

S.Buvanesh Kumar

.. Petitioner

Vs.

The Registrar General,
High Court, Madras.
Chennai 600 104.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by him in Official Memorandum in ROC.No.16593/2024-Estt.I dated 4.4.2024 and quash the same and direct the respondent to permit the petitioner to join the Madras High Court service as Assistant with continuity of service and grant such other further relief.

For Petitioner : Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.P.M.Subramanian, Standing Counsel
for Mrs.N.K.Kandhimathi



W.P.No.33237 of 2024

ORDER

D.KRISHNAKUMAR, J.

The petitioner, challenging the impugned order of the respondent dated 04.04.2024, in and by which his claim to join back in the High Court service as Assistant with continuity of service stands rejected, has filed the present writ petition.

2. Brief facts of the case are as follows:

2.1. The petitioner, who is a post graduate, participated in the process of selection for appointment to the post of Assistant through Direct Recruitment conducted by the Madras High Court and was successful in the selection process and joined as Assistant in Madras High Court service on 09.03.2020. According to the petitioner, he successfully completed his probation on 09.03.2022. Thereafter, after obtaining permission from the High Court, the petitioner applied for the post of Senior Secretariat Assistant in the National Institute of Technical Teachers Training and Research Centre (NITTTRC), Chennai on 24.01.2023. The petitioner got selected for the post of Senior Secretariat Assistant on 13.12.2023. After receiving the appointment order, the



W.P.No.33237 of 2024

petitioner submitted his resignation to the Registry of this Court on 26.12.2023, which was accepted by the Registry and he was relieved with effect from 26.12.2023, subject to the condition that he will never claim for reappointment in the Madras High Court Service and he is not entitled to other service benefits.

2.3. According to the petitioner, since this promotional avenues in the newly joined post are very limited and hence after realising the scope of future advancement in the present employment, the petitioner made a representation to the respondent on 07.02.2024, by relying upon Rule 14 of the Tamil Nadu Conditions of Services Act and requested to permit to rejoin the duty in the post of Assistant, which he was holding in the High Court Service, ignoring his letter of resignation and acceptance dated 26.12.2023. The representation of the petitioner was rejected by the respondent vide impugned order dated 04.04.2024, against which the present writ petition came to be filed.

3. Mr.K.Venkataramani, learned Senior Counsel appearing for the



W.P.No.33237 of 2024

petitioner has relied upon Section 14 of the Tamil Nadu Government Servants (Conditions of Services) Act, 2016 and as per the said rule, the petitioner got every right to claim lien on the High Court service. The learned Senior Counsel for the petitioner further submitted that the petitioner was neither absorbed permanently nor a confirmed employee in the subsequent employment and hence, the petitioner is entitled to claim lien in the former service and requested for rejoining in the High Court Service.

4. The learned Standing Counsel for the respondent / High Court would submit that in the acceptance of petitioner's resignation, vide order dated 22.12.2023, the respondent has specifically indicated that the petitioner shall never claim for reappointment in the Madras High Court Service under any circumstances, in future and continuity of service rendered in the Madras High Service with the services of his joining department and entitlement in other service matters are solely at his own risk and in the light of the same, the petitioner cannot turn around and claim his lien over the parent department and therefore, prays for dismissal of the writ petition.



W.P.No.33237 of 2024

WEB COPY

5. Heard the learned counsel for the parties and perused the materials on record.

6. The fact remains that the petitioner has relinquished his service as Assistant in the High Court, Madras and joined as Senior Secretariat Assistant in the National Institute of Technical Teachers Training & Research Centre, Chennai on 13.12.2023. His letter of resignation was accepted by the Registry and he was relieved from service with effect from 26.12.2023. It is relevant to extract the relieved order passed by the respondent dated 22.12.2023:

*"The request of the said individual has been considered and accepted. He is relieved from the Madras High Court w.e.f. 26.12.2023, by waiving three months of notice period, **subject to the condition that he shall never claim for re-employment in the Madras High Court Service under any circumstances, in future and continuity of his service rendered in the Madras High Court Service with the services of his joining department and entitlement in other service matters are solely at his own risk.**"*



W.P.No.33237 of 2024

WEB COPY

7. A categorical condition has been indicated in the aforesaid relieving order that the petitioner shall never claim for re-employment in the Madras High Court service under any circumstances. The petitioner having accepted the conditions and received the said relieving order dated 22.12.2023 and joined in the new post and thereafter realised that the scope of promotional avenues in the newly joined post is much lesser, has turn around and claimed re-employment in the Madras High Court service. The petitioner also admitted the same in the affidavit filed in support of the writ petition for claiming re-employment in Madras High Court. In the light of the specific undertaking given by the petitioner at the time of receiving the relieving order, the petitioner has severed his lien with the High Court service, therefore, placing reliance upon Section 14 of the Tamil Nadu Government Servants Conditions of Services Act, 2016 has no relevance to the case on hand. The petitioner, having tendered his resignation with a specific undertaking, cannot turn around claim re-employment into High Court with continuity of service. The respondent has rightly considered these aspects and passed the impugned order. This Court finds no reason to interfere with the impugned order.



W.P.No.33237 of 2024

and therefore, the writ petition is liable to be dismissed.

WEB COPY

8. The Writ Petition stands dismissed. No costs.

[D.K.K., J.,] [P.B.B., J.]
20.11.2024

Index :yes
Internet:yes
Jvm

To
The Registrar General,
High Court, Madras.
Chennai 600 104.



WEB COPY



W.P.No.33237 of 2024

**D.KRISHNAKUMAR, J.,
&
P.B.BALAJI, J.**

Jvm

**Order in
W.P.No.33237 of 2024**

20.11.2024