



WA.(MD).No.155 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.02.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**
and
THE HONOURABLE **MR.JUSTICE K.K.RAMAKRISHNAN**

W.A.(MD).No.155 of 2017
and
C.M.P.(MD).No.1727 of 2017

M.Ganesan

... Appellant

Vs.

The District Collector,
Tuticorin District,
Collectorate Buildings,
Tuticorin.

... Respondent

Prayer: Writ Appal is filed under Clause 15 of Letters Patent, against the order of this Court in W.P.(MD).No.15568 of 2015, dated 28.08.2015.

For Appellant : Mr.V.Karthikeyan

For Respondent : Mr.A.K.Manikkam

Special Government Pleader



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J U D G M E N T

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed against the order of the learned single Judge passed in W.P.(MD).No.15568 of 2015, dated 28.08.2015.

2. The appellant is the petitioner in the writ petition. He has filed the writ petition challenging the proceedings of the respondent, dated 09.04.2015 and consequently direct the respondent to consider for reappointing him as per Rule 41 of the Tamil Nadu State and Subordinate Service Rules within a time frame.

3. According to the appellant/writ petitioner, due to his illness, he did not attend the job. However, there is no record to prove the said averment. Due to his illness, he remained absent from 13.10.2010 and he has sent a resignation letter to the respondent on 28.02.2011. The respondent instructed the petitioner to attend office along with two certificates about the resignation on 18.05.2011. Due to his family problem and health condition, he could not send any reply. Thereafter, no communication had been received from the respondent about his resignation. After lapse of two years and ten months, he submitted a



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representation on 22.01.2014, explaining the present situation of his family to the respondent. He submitted another representation to the respondent on 10.06.2014 in person. Since no reply has been received, he submitted another representation to the respondent on 16.02.2015. Thereafter, the respondent has passed the impugned order on 09.04.2015, without giving any opportunity to the petitioner. Challenging the same, the writ petition has been filed. The learned single Judge of this Court dismissed the writ petition on 28.08.2015. Challenging the same, the present writ appeal has been filed by the writ petitioner.

4. Heard the learned counsel for the appellant and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. On perusal of the records, it is seen that on 08.08.2011, the District Collector, Tuticorin issued the proceedings in No.V5/13986/2011, in which a reference was made to the representation of the writ petitioner dated 28.02.2011 and even though the respondent sent several letters to the writ petitioner and others on 11.03.2011, 23.03.2011, 25.04.2011, 20.05.2011, 14.06.2011 and 21.06.2011 respectively, asking them to appear before the authority and to give



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an undertaking within a period of one week and in case, if they do not appear before the authority within the said period, they will not be given any concession and their resignation would be accepted. But till date the writ petitioner has not appeared before the authority. Hence, his resignation letter dated 28.02.2011, has been accepted by the respondent and the order dated 08.08.2011 has been passed. Further, the representation sent by the writ petitioner dated 28.05.2011, clearly shows that opportunity was given to him for his appearance before the authority regarding his resignation, but he has not chosen to appear. Hence, appropriate orders have been passed.

6. In view of the above, no interference is required as already the petitioner's application was considered and appropriate orders have been passed and the resignation was accepted on 08.08.2011 and at this juncture, the petitioner's request for reappointment cannot be considered. Hence, the Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[V.B.S.,J.] [K.K.R.K.,J.]
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