



W.P(MD)No.3266 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD). No.3266 of 2021

Dharmarajan. A

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary to the Government,
Backward Classes, Most Backward
Classes and Minorities Welfare Department,
Fort St. George, Chennai.
 - 2.The District Collector,
Collectorate Campus, Madurai-625 020.
 - 3.The District Backward Class,
Most Backward Class and Minority
Welfare Officer,
Backward Class,
Most Backward Class and Minority Welfare Department,
Madurai-625 020.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified



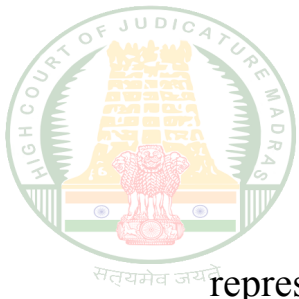
W.P(MD)No.3266 of 2021

Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.pina2/16935/2013 dated, 30.09.2020 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in service as an Assistant Cook in anyone of the hostel of the respondent department, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

The petitioner was appointed as a Cook on 09.03.2013, in Backward Class, Most Backward Class and Minority Welfare Department. Within few days of his appointment, a representation was made on behalf of the petitioner on 21.03.2013, as if this petitioner was not inclined to continue as a Cook. A further representation was also made on 30.07.2013 that he is not inclined to continue in the job as a Cook. According to the petitioner, the so called representations have been made by his wife that she is not willing to allow him to work as a Cook. In view of the



W.P(MD)No.3266 of 2021

WEB COPY

representations made on behalf of the petitioner, he was relieved from service. The petitioner with a grievance that in fact, he has not resigned his job and he is willing to continue in the job as a Cook, has made a request to the respondents, however, the same was not considered by them. Therefore, the petitioner has made a representation on 18.09.2017 before the District Collector, Madurai. In pursuant to the above representation, the petitioner was directed to appear for an enquiry before the office of the District Backward Class, Most Backward Class and Minority Welfare Officer/the third respondent herein on 23.10.2017, by a proceedings in Na.Ka.No.Pi.Na.2/43418/2017, dated 06.10.2017. Though this petitioner has approached the third respondent office, no action has been taken on the representation of this petitioner. Therefore, the petitioner has submitted another representation to the respondents on 18.06.2020 and filed a writ petition in WP(MD) No. 7469 of 2020. This Court, by order, dated 27.07.2020 has disposed of that writ petition, with a direction to the respondents to consider the representation of this petitioner dated 18.06.2020, based on the

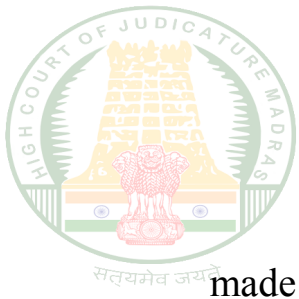


W.P(MD)No.3266 of 2021

WEB COPY

communication of the third respondent, dated 06.10.2017 in Na.Ka.No.Pi.Na.2/ 43418/ 2017, within a period of eight weeks from the date of receipt of a copy of that order. Now, the grievance of the petitioner is that the impugned order has been passed by the third respondent in Na.Ka.No.PiNa2/16935/2013, dated 30.09.2020 that this petitioner is not entitled for reinstatement into service, since he has made a request for reinstatement after 90 days from his resignation. Challenging the same, the petitioner has approached this Court in the year 2021.

2.The learned counsel appearing for the petitioner submits that he got an opportunity to work as a Cook in Backward Class, Most Backward Class and Minority Welfare Department and he joined duty on 09.03.2013. However, his wife, who was not willing to allow him to work as a Cook, without his knowledge, has submitted representations in the name of the petitioner, on 21.03.2013 and on 30.07.2013, to relieve him from service on the ground of health issues. The signatures found in the representations



W.P(MD)No.3266 of 2021

WEB COPY

made on behalf of the petitioners dated 21.03.2013 and on 30.07.2013 are not his signatures. However, based on the above mentioned representations, he was relieved from duty on 18.05.2013. He further submits that this petitioner's wife has quarrelled with him for continuing his job as a Cook and therefore, he got depressed, for which, he has taken treatment in Kerala. Therefore, he was not in a position to pursue the request for reinstatement. According to the petitioner, he made a request for reinstatement on 09.01.2014, 01.12.2014 and on 08.09.2017. The petitioner claims that due to some misunderstanding with his wife, he is now living separately and due to the conduct of his wife, he has lost his job. Therefore, the request of this petitioner for reinstatement into service may be considered positively.

3.The learned Special Government Pleader appearing for the respondents submits that the petitioner has joined as a Cook in the third respondent Department on 09.03.2013. On 21.03.2013, he has submitted a representation on 21.03.2013 and on 30.07.2013,



W.P(MD)No.3266 of 2021

WEB COPY

with a request to relieve him from service on health grounds. He has also remitted back the salary, which was paid to him for the month of June 2013, claiming that he has not worked in the month of June 2013. Pending consideration of the petitioner's representations, he has submitted further representations on 09.01.2014, 01.12.2014 and 18.09.2017, for reinstatement into service, claiming that his wife has sent those representations as she is not willing to allow him to work as a Cook. According to the learned Special Government Pleader, having submitted a representation for resignation of a job and after thought, the submission made by the petitioner for reinstatement into service after a period of 90 days is not permissible. Therefore, the respondents have rightly rejected the request of this petitioner for reinstatement. Hence, there is no need to interfere with the order impugned in this writ petition.

4.This Court considered the rival submissions made and also perused the materials placed on record.

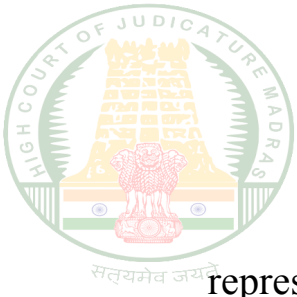


W.P(MD)No.3266 of 2021

WEB COPY

5.The specific case of the petitioner is that he was relieved from service based on the representations made on behalf of the petitioner on 21.03.2013 and 30.07.2013 and according to the petitioners, those representations are not really made by him and the signatures found in those representations are also not his signatures. He also claims that he is having some difference of opinion with his wife for working as a Cook and he is now living separately.

6.Considering this plea made by this petitioner that the representations, dated 21.03.2013 and 30.07.201, based on which, he was relieved from service have not been submitted by the petitioner and the signatures found in those representations are also not his signatures, this writ petition is disposed of with a direction to the respondents to consider the case of the petitioner sympathetically, by reviewing the order passed by the third respondent in Na.Ka.pina2/16935/2013 dated, 30.09.2020, after verifying/comparing his signature with the signatures found in the



W.P(MD)No.3266 of 2021

WEB COPY

representations, dated 21.03.2013 and 30.07.201 and take a decision afresh, within a period of six months from the date of receipt of a copy of this order. No costs.

08.01.2025

NCC:Yes/No

Index:Yes

vrn

To

- 1.The Secretary to the Government,
Backward Classes, Most Backward
Classes and Minorities Welfare Department,
Fort St. George, Chennai.
- 2.The District Collector,
Collectorate Campus, Madurai-625 020.
- 3.The District Backward Class,
Most Backward Class and Minority
Welfare Officer,
Backward Class,
Most Backward Class and Minority Welfare Department,
Madurai-625 020.



WEB COPY



W.P(MD)No.3266 of 2021

B.PUGALENDHI, J.

vrn

Order made in
WP(MD) No.3266 of 2021

08.01.2025