



W.P.(MD) No.5929 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD) No.5929 of 2019

S.Meenakshi

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Petitioner

Vs

1 The Secretary to Government,
Home(Police) Department,
Secretariat,
Chennai.

2 The Director General Of Police,
Chennai-4.

3 The Member Secretary,
Tamilnadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road,
Egmore,
Chennai.

4 The Commandant,
Tamilnadu Special Police,
VIth Battalion,
Madurai-625 014.

...

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the impugned order, dated 15/12/2006, in proceedings C.No.A2/12604/2006, B.O.No:857/2006, and consequential memo, dated 26/09/2007, in proceedings C.No.:A2.12604.2006 and endorsement, dated 02/10/2018, in proceedings Na.Ka.No.A2/8422/2018, which are all passed by the 4th respondent, and quash the same as illegal and unconstitutional, and consequently direct the respondents to take back the petitioner as Woman Police Constable (WPC-279) under fourth respondent and grant her all consequential service and monetary benefits.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader.

ORDER

Under assail is the impugned order, passed by the Commandant, Tamil Nadu Special Police, VI Battalion, Madurai, dated 15.12.2006.

2. The case of the petitioner is that she was appointed as Woman Police Constable, Grade-II, by the fourth respondent on 14.04.2005. She joined duty on 18.04.2005 in TSP VI Battalion, Madurai. At the time of entry



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into service, she was not married and her mother was under care and maintenance of the petitioner. After entering into service, the health condition of her mother got deteriorated, as her father deserted the family. So, she was required to work for 24 hours, with no regular holidays and the work schedule was also very hectic without even getting a little bit leisure while on duty and was doing work continuously without any substitute, due to which, she was in work stress, which directly caused imbalance with her family. She was also not married up to the age of 30 years, due to her family circumstances. Therefore, she was constrained to write a resignation letter, dated 23.11.2006, out of sheer frustration and desperation and submitted the same to the fourth respondent during grievance day meeting, held on 28.11.2006. Having received her resignation letter, the fourth respondent advised her to withdraw the resignation. She, on the same day, withdrew her resignation in writing. While she was working under the fourth respondent, she received a communication, dated 15.12.2006, from the fourth respondent, that her resignation, dated 28.11.2006, was accepted with immediate effect i.e., from 15.12.2006 and it was informed that she would not be taken back as Police Constable under any circumstances. However, she submitted an apology letter, dated 19.12.2006, to the second respondent and, thereafter, submitted another representation, dated 23.01.2007. She received a communication



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from the fourth respondent, dated 26.09.2007, stating that her request to the second respondent for reappointment to the Department was rejected by the Government. Hence, this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that as per Rule 36 (A) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, a member of service may resign his or her appointment by giving advance notice not less than three months and he or she may withdraw the notice of his resignation before its acceptance. The acceptance of resignation by the fourth respondent, without even giving an opportunity to the petitioner, within a matter of a few days even after withdrawing the resignation on the same day, was contrary to the provisions, as the authority ought to have waited till expiry of three months, before the same was accepted, or ought to have waited for a reasonable time. Therefore, according to the learned counsel, the order impugned is illegal, unreasonable and unconstitutional.

4. Per contra, learned Additional Government Pleader, appearing on behalf of the respondents, would submit that the petitioner had tendered resignation due to her family circumstances and, consequently, her resignation was accepted by the fourth respondent with effect from the afternoon of 15.12.2006 and the same was served on the petitioner on 18.12.2006, under acknowledgement. The learned Additional Government



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Pleader would further submit that, though the petitioner made a representation withdrawing her resignation, as per Rule 36 (A) (b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, a member of the service may withdraw the notice of his or her resignation, before its acceptance, and withdrawal of resignation will not be permitted after its acceptance by the appointing authority. He would draw the attention of this Court to the counter affidavit, filed by the fourth respondent, particularly Paragraph 11, stating as under :

"11. With regard to the averments made in the paragraph 7 and 8 of the affidavit, it is submitted that withdrawal of resignation shall not be permitted after its acceptance by the appointing authority, as per rule No.36(A) (b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978. The Rule 36(A) (b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, states as follows :

"The member of the service may withdraw the notice of his resignation before its acceptance. Withdrawal of resignation will not be permitted after its acceptance by the appointing authority."

As per the above rule provisions, an endorsement was given to the petitioner by the fourth respondent stating that she could not be taken back for duty after acceptance of resignation vide endorsement C.No.A2/ 1496/ 2007, dated 21.02.2017."



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5. Learned counsel for the petitioner would vehemently submit that the authorities ought to have waited at least for a reasonable time, as indicated in Rule 36(A) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, before resignation letter came to be accepted.

6. At this juncture, it is relevant to extract Rule 36(A) (b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, as under :

"The member of the service may withdraw the notice of his resignation before its acceptance. Withdrawal of resignation will not be permitted after its acceptance by the appointing authority."

7. In the case on hand, the petitioner submitted her resignation letter, dated 23.11.2006, during the grievance day, conducted by the fourth respondent on 28.11.2006, wherein she had tendered her resignation to the post of Police Constable, Grade-II, due to her family circumstances. Consequently, her resignation was accepted by the fourth respondent with effect from the afternoon of 15.12.2006 vide proceedings, dated 15.12.2006, and the same was served on the petitioner on 18.12.2006, under acknowledgement.

8. Rule 36(A) (b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, states that the member of the service may withdraw the



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notice of his resignation before its acceptance and withdrawal of resignation will not be permitted after its acceptance by the appointing authority.

9. In the instant case, the resignation of the petitioner was accepted by the appointing authority. As per the above Rule 36 (A), withdrawal of resignation will not be permitted after resignation is accepted by the appointing authority, namely, the fourth respondent herein. Subsequently, the petitioner had submitted an apology letter, requesting reappointment, and the same was rejected by the Director General of Police, which was communicated to the petitioner vide Memo, dated 26.09.2007, stating that request of the petitioner to the Director General of Police, Chennai, for reappointment was rejected by the Government. In my considered opinion, the fourth respondent had acted as per the Rules contemplated under the Tamil Nadu Special Police Subordinate Service Rules, 1978, and there is no merit in this Writ Petition.

10. Writ Petition is, therefore, dismissed, as devoid of merit. No costs. Consequently, the connected W.M.P.(MD) Nos.4753 and 15581 of 2019 are closed.

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NCC : Yes / No
Index : Yes / No
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M.JOTHIRAMAN, J.

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