

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.07.2017

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.18464 of 2017 & WMP.Nos.20041 & 20042/2017

R.Ayyappan

....Petitioner

Versus

1. The Commissioner,
Department of Industries and Commerce,
Sidco Co-operative Office,
Sidco Building,
3rd Floor, Guindy, Chennai.
2. The Managing Director,
The Indco Serve,
No.35, Church Road,
Coonoor-643 101,
Nilgris District.
3. Mr.K.Gopalakrishnan,
Chairman,
The Ithalar Industrial Co-operative,
Tea Factory Ltd.,
Ithalar-643 004,
Nilgris District.
4. The Managing Director,
The Ithalar Industrial Co-operative,
Tea Factory Ltd.,
Ithalar-643 004,
Nilgris District.

....Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the entire records in pursuant to the Impugned Order dated 08.07.2017 vide Rc.No.680/E1/2016 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.T.Sundaravadanam
For Respondents : Mr.L.P.Shanmuga Sundaram,
Spl Govt Pleader (Co-op)

ORDER

Challenging the order of Deputation issued by the 2nd respondent in proceedings dated 08.07.2017, the petitioner has filed the present writ petition.

2 On perusal of the order of deputation dated 08.07.2017, it is seen that the writ petitioner is working as a Junior Assistant in Ithalar Indco Tea Factory Limited and is deputed to Ebbanad Indco Tea Factory. Further, the order of Deputation dated 08.07.2017 states that due to certain administrative reasons and for the better performance of the Tea Factory, the writ petitioner is ordered to be deputed to Ebbanad Indco Tea Factory.

3 Learned counsel appearing for the petitioner would contend that the writ petitioner has to travel for four hours to reach the deputed Factory and his family will be suffering. This cannot be a reason for an employee to challenge the order of Deputation. The order of Deputation was issued on administrative ground and for better performance of the Tea Factory. Thus, this Court do not find any error on the deputation of the writ petitioner to the Ebbanad Indco Tea Factory. That apart, the writ petitioner had earlier faced the criminal trial before the Sessions Court in SC.No.26 of 1994 and was convicted. Against, the order of conviction, he preferred an Criminal Appeal No.219 of 1995 and was acquitted by this Court.

4 This Court is of the opinion that the reason stated in the order of Deputation that the writ petitioner is deputed on administrative reason and for better performance is certain and justifiable. The Deputation is a condition of service and an employee deputed from one office to another office can never claim to stay in a particular office as a matter of right. When the deputation being a condition of service, the employees cannot claim a right over that. It is a discretion of the authorities to place the officials properly in order to run the administration effectively. Such being the view of this Court, the petitioner challenging the order of Deputation is devoid of merits.

5 In the result, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

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The Ithalar Industrial Co-operative,
Tea Factory Ltd., Ithalar-643 004, Nilgris District.
- +1 CC to Mr.T. Sundareswaran, advocate sr 57273
+1 CC to Mr.L.P. Shanmugasundaram, Advocate sr 51604
+1 CC to Govt. Pleader sr 52023

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SP(01/08/2017)