

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.07.2018

Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 19435 2018

and

W.M.P.Nos.22870 to 22873 of 2018

Mr. A. Jacob

...Petitioner

Vs.

1. The Principal Accountant General (A & E),
Tamil Nadu, No. 361, Anna Salai,
Teynampet, Chennai - 600 018.
2. The Principal Chief Engineer, WRD
cum Chief Engineer (General) (PWD),
Chepauk, Chennai - 600 005
3. The Engineer in Chief, WRD,
Chief Engineer (GL), PWD,
Chepauk, Chennai - 600 005.
4. The Executive Engineer,
Executive Engineer Office (PWD),
Vellar Basin Division,
Virudhachalam, Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Certiorarified Mandamus to call for the records of order vide proceedings No. AG(A&E)/PWC II/DA1/2018-2019/178/8695 dated 26-04-2018 on the file of the respondent No. 1 in so far it is against the petitioner and to quash the same and consequently the order of the 2nd respondent vide proceedings No. 3(1)/33868/2018-4 dated 16-07-2018 and direct the respondent No. 1 to allow the petitioner to continue his present post of Divisional Accountant under respondent No. 1 with the respondent No. 4 till the completion of three years or completion of the academic year 2018-19 of his children.

For Petitioner

: Mr. R. Rajesh Vivekananthan

For Respondent Nos. 2 to 4

: Mr. N. Srinivasan,

Additional Government Pleader

O R D E R

Heard Mr. R. Rajesh Vivekananthan, the learned counsel appearing for the petitioner and Mr.N.Srinivasan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents 2 to 4. Considering the nature of relief to be granted herein, notice to the first respondent is dispensed with.

2. The grievance of the petitioner, in this Writ Petition is that, while being on deputation with the first respondent, he was posted to the office of the Executive Engineer Office (PWD), Vellar Basin Division, Virudhachalam, Cuddalore District. Subsequently, the first respondent has repatriated him to his parent Department, at Chennai. The petitioner came to challenge both the order of repatriation passed by the first respondent and the consequential order of posting given by his parent Department, second respondent herein, contending it to be illegal and arbitrary on the ground that even before completion of three years, he has been repatriated by the first respondent to a place at Chennai from Cuddalore, that too, while he on deputation and as such, seeks a direction to quash such orders.

3. The learned counsel appearing for the petitioner firstly would submit that when the petitioner was on deputation to the first respondent from the second respondent, and even before completion of three years of service, he has been slapped with such order of repatriation, which per se, shows that such repatriation is not due to administrative grounds, but, for some other reasons. Secondly, it is submitted that the wife of the petitioner is affected by a disease called Starghats, (60% visually impaired) and therefore, she has to be attended to and dehors the same, his children are studying Higher Secondary School, therefore, the presence of the petitioner is indispensably required to impart good education to them. Thus, on the aforesaid grounds, he seeks for appropriate orders.

4. The learned Additional Government Pleader for the respondents submits that the impugned orders are passed purely on administrative reason and the same does not call for interference of this Court.

5. Heard the learned counsel appearing for the parties and perused the materials placed on record. It appears that the petitioner came to challenge the impugned orders solely on a surmise that he, being a deputationist and even before completion of three years of service, such order of repatriation passed by the first respondent is unsustainable. But, this Court wants to make it clear because, the petitioner is a deputationist, he has no vested right to continue with the first respondent and consequently, such order of repatriation cannot

be found fault with. However, the petitioner after being repatriated, having been posted in Chennai, the petitioner can make a representation to modify his order of posting dated 16.07.2018 passed by the Principle Chief Engineer, indicating the grounds, on which, he seeks the same within the ten days hence, and, if such a representation is made along with a copy of this order, the second respondent shall take an informed and considered decision on the same looking into the facts and situations, so also the grievances of the petitioner seeking his posting in his parent Department at Chennai after repatriation. The aforesaid representation be disposed of by the second respondent within a period of two weeks from the date of receipt of a copy of this order.

6. With the aforesaid order this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1. The Principal Accountant General (A & E),
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cum Chief Engineer (General) (PWD),
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4. The Executive Engineer,
Executive Engineer Office (PWD),
Vellar Basin Division,
Virudhachalam, Cuddalore District.

+1 CC to Govt. Pleader sr 52428.

+1 CC to Mr. R. Rajesh Vivekananthan, Advocate sr 51170
(07/08/2018)

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SP(06/08/2018)