



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.15642 of 2018

M.Palanikumar

... Petitioner

-vs-

- 1.The State of Tamil Nadu  
Rep. by its Principal Secretary  
Higher Education Department  
Secretariat, Chennai.
- 2.The Registrar  
Annamalai University  
Annamalai nagar,  
Chidambaram  
Cuddalore District.
- 3.The Managing Director,  
Tamil Nadu Warehousing Corporation,  
No.82 Annasalai  
Guindy, Chennai.
- 4.The Regional Manager,  
Tamil Nadu Warehousing Corporation  
Tirunelveli Region, Tirunelveli
- 5.The Manager,  
Tamil Nadu Warehousing Corporation  
Palayamkottai  
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to accommodate the petitioner in any one of the office assistant vacancy in the 2<sup>nd</sup> respondent University by considering the petitioner representation dated 14.05.2018.

For Petitioner

Mr.V.Paneerselvam

For Respondents:

Mr.M.Murugan

Government Advocate for R1

Mr.M.Karthikeyan for

Annamalai University (R2)

Mr.Raja Karthikeyan for R3 to R5

ORDER

The prayer in the writ petition is for a Writ of Mandamus to direct the respondents to accommodate the petitioner in any one of the office assistant vacancy in the 2<sup>nd</sup> respondent University by considering the petitioner's representation dated 14.05.2018.

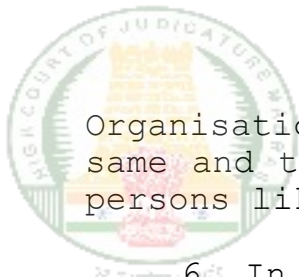
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2. Heard Mr.V.Paneer Selvam, learned counsel for the petitioner, Mr.M.Murugan, learned Government Advocate, Mr.M.Karthikeyan, learned counsel for the respondent University and Mr.Raja Karthikeyan, learned standing counsel for the respondent Warehousing Corporation.

3. The learned counsel for the petitioner would submit that, the petitioner was working as Office Assistant at the second respondent University. After the said University was taken over by the Government and it was found that there were number of excess staff working in the University, Government took a policy decision to transfer some of the excess staff at various level to various organisations of the Government and Government departments also. In this regard, the petitioner also has been transferred from the second respondent University in May 2017 to the fifth respondent Warehousing Corporation at Tirunelveli, where the petitioner joined on 17.05.2017 and he was posted as Godown in-charge of the fifth respondent.

4. The petitioner, since was having wheezing problem and for which, he was already taking treatment, he was not able to work at the godown, subsequently, since he met with an accident on 25.05.2017, with the result, his left collar bone was fractured, he applied for medical leave and he had been in medical leave between 26.05.2017 and 11.08.2017 and the said medical leave was also accepted by the authorities, as leave on loss of pay. Thereafter, the petitioner had been requesting the respondents to place him anywhere in any other offices either in the third respondent or any other department of the Government of Tamil Nadu, by way of deputation from the second respondent University and in this regard the petitioner had given a representation on 14.05.2018 to the respondents and if the said representation is directed to be considered and an order to that effect is directed to be passed, the petitioner would be satisfied.

5. I have heard the learned standing counsel for the second respondent University, who would submit that as per the decision taken by the University, which was accepted by the Government to depute or deploy the excess teaching or non teaching staff of the second respondent University, number of persons, both in the teaching side as well as in the non teaching side, have already been deployed. In this regard, the petitioner being one of the excess staff is deployed by the Government for posting him in the vacant position and that is how, the petitioner has been posted at the fifth respondent Corporation and after the petitioner left the second respondent University and joined at the fifth respondent



Organisation, the second respondent cannot have any control over the same and the second respondent also cannot take back the redeployed persons like, teaching or non teaching staff.

6. In this regard, the learned counsel for the petitioner would submit that, if not by the second respondent University, the first respondent can post the petitioner anywhere other than the fifth respondent office, considering the health conditions and in this regard, the learned counsel for the petitioner would submit that if the representation of the petitioner dated 14.05.2018 only to that extent to consider his request to post him in any of the Government offices in Tirunelveli District is considered, the petitioner would be satisfied and to that extent, the petitioner would confine with the prayer herein.

7. I have heard the learned Government Advocate, who would submit that the request of the petitioner dated 14.05.2018 would be considered only for the limited purpose of exploring the possibility of accommodating the petitioner in any of the Government offices/undertakings/ organisations in Tirunelveli District and in that case, if vacancy is available, subject to such availability of vacancy, the petitioner would be accommodated and orders would be passed to that effect.

8. Considering the said submissions made by the learned counsel on both sides, taking into account the factual matrix of the case, the first respondent is hereby directed to consider the representation of the petitioner dated 14.05.2018 only in respect of his prayer to explore the possibility of accommodating him in any one of the Government offices/Organisations/undertakings located at Tirunelveli District, by taking into account the health conditions of the petitioner and on considering the same, necessary orders to that effect shall be passed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

9. With these directions, the writ petition is disposed of. No costs.

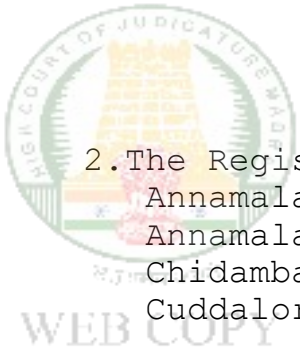
Sd/-  
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1.The Principal Secretary to State of Tamil Nadu  
Higher Education Department  
Secretariat, Chennai.



2.The Registrar  
Annamalai University  
Annamalai nagar,  
Chidambaram  
Cuddalore District.

3.The Managing Director,  
Tamil Nadu Warehousing Corporation,  
No.82 Annasalai  
Guindy, Chennai.

4.The Regional Manager,  
Tamil Nadu Warehousing Corporation  
Tirunelveli Region, Tirunelveli

5.The Manager,  
Tamil Nadu Warehousing Corporation  
Palayamkottai  
Tirunelveli District.

+ 1 CC TO Mr.V.PANNEER SELVAM , ADVOCATE IN SR No.73757.

RR

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18.07.2018