

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6025 of 2019

and

WMP.No.6853 of 2019

N.Tamilselvi

.. Petitioner

Vs.

The Commission of Labour
Office of the Commissioner of Labour
DMS campus, Thenampet
Chennai - 600 006.

.. Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent herein to consider the petitioner's representation dated 15.02.2019 for posting her in the vacant place of post of Assistant at the office of the Joint director industrial welfare and safety, Cuddalore and pass necessary order and till such time not to cancel the petitioner's appointment order for the post of Assistant.

For Petitioner : M/s.M.Rajalakshmi

For Respondent : M/s.P.Rajalakshmi
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent herein to consider the petitioner's representation dated 15.02.2019 for posting her in the vacant post of Assistant at the office of the Joint Director Industrial Welfare and Safety, Cuddalore and pass necessary order and till such time not to cancel the petitioners appointment order for the post of Assistant.

2. The grievances of the writ petitioner is that she was selected through Tamil Nadu Public Service Commission for the post of Assistant and her mutual ranking is 209. The Tamil Nadu Public Service Commission conducted counseling for allotment of post and the petitioner opted to join in the Labour Department.

3. The learned counsel for the writ petitioner states that the post of Assistant in Cuddalore is vacant and she must be appointed in the said place.

4. Admittedly, the petitioner is yet to be appointed in the Government Service. Undoubtedly, she was selected by the TNPSC for appointment to the post of Assistant. Posting an employee in a particular place or post is an administrative prerogative of the competent authorities. However, the writ petitioner is at liberty to submit a representation, which she had already submitted. This Court cannot issue any specific direction for grant of place or post, nor such post or place can never be claimed as a matter of right of the employees. The public servants are bound to work wherever they are posted and they have to serve for the Welfare of the public Administration.

5. This being the spirit of the public services, this Court is of the opinion that the writ petitioner must show courage in serving the Public, and the post and place sought for by the writ petitioner is to be redressed or considered only by the competent authorities, and no such writ petition can be entertained, as the writ petitioner has no legal right to claim a particular place or post.

6. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Kmm

To

The Commission of labour
Office of the Commissioner of Labour
DMS campus, Thenampet
Chennai - 600 006.

BR(CO)
SSM(22/04/2019).

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