

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.Nos.24302, 24307, 24309,
24312 and 24315 of 2019

S.Shanmugam ... Petitioner
in W.P.No.24302 of 2019

B.Vivekanandan ... Petitioner
in W.P.No.24307 of 2019

R.Bhagyaraj Petitioner
in W.P.No.24309 of 2019

T.Vasudevan ... Petitioner
in W.P.No.24312 of 2019

C.S.Mohanraj ... Petitioner
in W.P.No.24315 of 2019

-vs-

State of Tamil Nadu
Rep.by its Principal Secretary
Department of Agriculture,
Secretariat,
Chennai - 600 009. ...1st Respondent
in W.P.No.24302 of 2019

State of Tamil Nadu
Rep.by its Principal Secretary,
Social Welfare and Nutritious Meal Programme Department
Secretariat
Chennai 600 009.1st Respondent
in W.P.No.24307 of 2019

State of Tamil Nadu
Rep.by its Principal Secretary,
Tourism, Culture & Religious Endowments Department
Secretariat
Chennai 600 009. ...1st Respondent
in W.P.No.24309 & 24315 of 2019

State of Tamil Nadu
Rep.by its Principal Secretary,
Public Works Department,
Secretariat
Chennai 600 009.

...1st Respondent
in W.P.No.24312 of 2019

2. The Principal Secretary,
Department of Higher Education
Secretariat, Chennai 600 009.

...2nd Respondent
in all W.Ps

Prayer in W.P.No.24302 of 2019: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus directing the respondents to consider the transfer of the petitioner to his native district Cuddalore, on humanitarian grounds after his completion of tenure as an Office Assistant in Agriculture Department, Secretariat, Chennai on 14.05.2020 by considering the representation of the petitioner dated 18.07.2019.

Prayer in W.P.No.24307 of 2019: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus directing the respondents to consider the transfer of the petitioner to his native district Cuddalore, on humanitarian grounds after his completion of tenure as an Office Assistant in Social Welfare and Nutritious Meal Programme Department, Secretariat, Chennai on 14.05.2020 by considering the representation of the petitioner dated 18.07.2019.

Prayer in W.P.Nos.24309 & 24315 of 2019: These Writ Petitions are filed under Article 226 of Constitution of India, praying to issue a writ of mandamus directing the respondents to consider the transfer of the petitioner to his native district Cuddalore, on humanitarian grounds after his completion of tenure as an Office Assistant in Tourism, Culture and Religious Endowments Department, Secretariat, Chennai on 14.05.2020 by considering the representation of the petitioner dated 18.07.2019.

Prayer in W.P.No.24312 of 2019: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus directing the respondents to consider the transfer of the petitioner to his native district Cuddalore, on humanitarian grounds after his completion of tenure as an Office Assistant in Public Works Department, Secretariat, Chennai on 24.07.2020 by considering the representation of the petitioner dated 18.07.2019.

For Petitioner (in all W.Ps): Mr.Doraisami, Senior counsel
for Mr.Muthumani Duraisami.

For Respondents (in all W.Ps): Mr.J.Pothiraj
Special Government Pleader for R1
Mr.V.Kathirvelu
Special Government Pleader for R2

C O M M O N O R D E R

The issues and the grounds raised in all the Writ Petitions are common, so was the cause of action. Therefore, all the Writ Petitions are taken up together for common disposal as under:

The Petitioners herein were originally working as last grade servants viz, as Office Assistants in Annamalai University. They were appointed on various dates and their services were also confirmed by the University. However, subsequently, these persons were found surplus and therefore, the Government issued G.O.(Ms).No.108 Higher Education (H1) Department dated 28.04.2017 and G.O.(Ms).No.180 Higher Education (H1) Department dated 11.07.2017, whereby, surplus teaching and non-teaching staff working in the Annamalai University were appointed in various Government Departments on agreement basis.

2. The Petitioners herein and many other non teaching staff were posted in the Department of Agriculture, Secretariat, for a period of three years with effect from 15.07.2017, 15.05.2017, 15.05.2017, 25.07.2017, 15.05.2017 respectively and they will be completing the three years of service in the Department on 14.05.2020, 14.05.2020, 14.05.2020, 24.07.2020, 14.05.2020 respectively.

3. As per the terms and conditions of Annexure-II to G.O. (Ms).No.108 Higher Education (H1) Department dated 28.04.2017 and G.O.(Ms).No.180 Higher Education (H1) Department dated 11.07.2017, the non-teaching staff working in various departments of the Government on completion of their tenure would be reverted to the Annamalai University. According to these petitioners, many of the non-teaching staff who were appointed in various Government Departments on agreement basis, after completion of their service were reverted back to the University. According to the Petitioners, many posts of Office Assistants being last grade service were available in the Department of Agriculture and in other Departments in and around Chidambaram/Cuddalore Districts. In such circumstances, the petitioners made a representation to the 1st and 2nd respondents on 18.07.2019, requesting them to consider their posting in any Departments of the Government in and around Cuddalore on

humanitarian ground, in case, they are not going to be reverted to the Annamalai University. The said representations have not been disposed of and therefore, the petitioners are before this Court.

4. Mr.Doraisami, the learned Senior counsel appearing for the Petitioners would submit that under similar circumstances, this court passed an order on 10.07.2019 in W.P.No.19392 of 2019. The order passed by this court in the above said matter and the direction issued as found in paragraphs 1 to 4 are extracted herein:-

" The petitioner was appointed as an Office Assistant in the office of the Assistant Commissioner of Civil Supplies and Consumer Protection, Mount Zone, Chennai. She was earlier working in Annamalai University. The petitioner has preferred a representation on 12.05.2017 requesting the respondent to consider for transferring to her native place namely, Chidambaram District, since she has got aged parents to support. According to her, a representation has been received by the respondent on 19.05.2017. Since no orders have been passed till this time, the petitioner is before this Court for issuance of writ of mandamus.

2.After notice in the writ petition, Mr.V.Kathirvelu, learned Special Government Pleader has entered appearance on behalf of the respondent.

3.The learned Special Government Pleader for the respondent would submit that in view of the limited prayer being sought in the writ petition, the respondent may be directed to pass orders on merits on the petitioner's request within the time to be stipulated by this Court.

4.Considering the submissions made on behalf of the learned counsels, the present Writ Petition is disposed of, with the following direction:

(i) The respondent is directed to consider the representation of the petitioner said to have been submitted on 12.05.2017 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

(ii) While disposing of the representation, the respondent shall also take into consideration the personal difficulties expressed by the petitioner in her representation and deal with the representation sympathetically and pass orders as indicated above. No costs. "

5. The learned Senior counsel would submit that similar directions may be issued for these petitioners as well.

6. On behalf of the respondents, Mr.J.Pothiraj, learned Special Government Pleader has entered appearance for the 1st respondent and Mr.V.Kathirvelu, learned Special Government Pleader has entered appearance for the 2nd respondent.

7. The learned Special Government Pleader submits that he has no objection for granting such direction, since in any event, the Government has to take a decision with regard to posting of these petitioners after completion of their tenure of three years on agreement basis.

8. In the above said circumstances, all these writ petitions are disposed of with the following direction:-

(i) The respondents are directed to consider the representations of the Petitioners dated 18.07.2019, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

(ii) While disposing of the representations, the respondents shall consider the claim sympathetically by taking note of the legitimate request of the Petitioners as belonging to last grade service and post them in the nearby places in and around Cuddalore District so that they do not suffer from any undue difficulty of being accommodated to far off places. This Court trusts that benevolent approach may be adopted by the authorities in considering the claim of the petitioners.

9. The Writ Petitions stand disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Principal Secretary
Department of Agriculture,
Secretariat,
Chennai - 600 009.

2. The Principal Secretary,
Social Welfare and Nutritious Meal Programme Department
Secretariat
Chennai 600 009.

3. The Principal Secretary,
Tourism, Culture & Religious Endowments Department
Secretariat
Chennai 600 009.

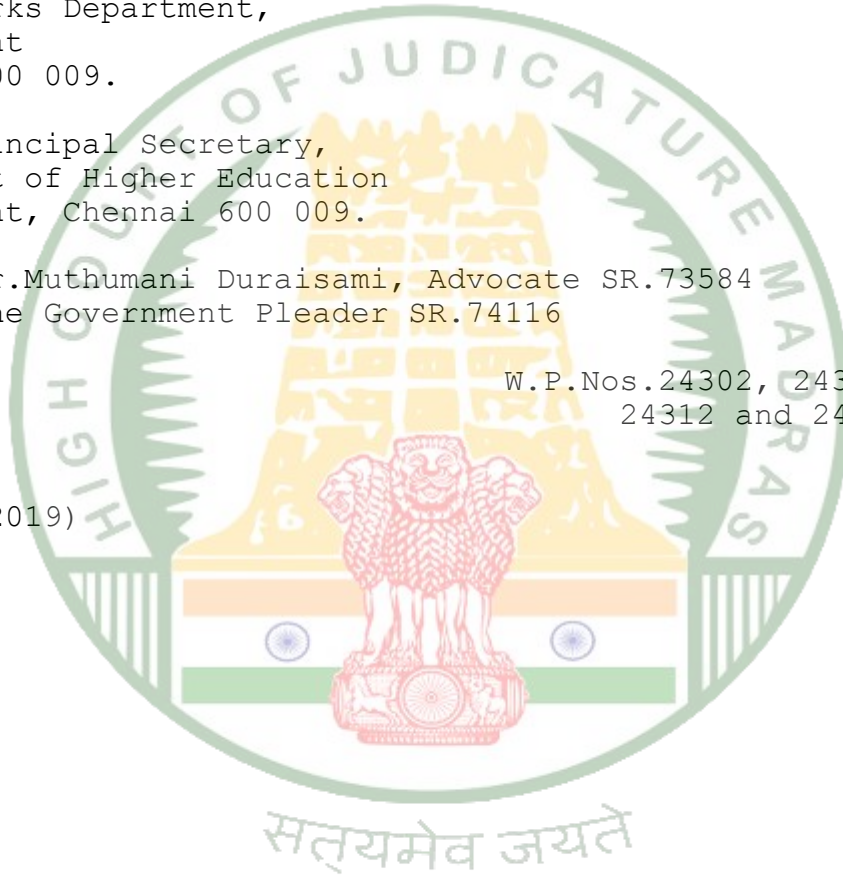
4. The Principal Secretary,
Public Works Department,
Secretariat
Chennai 600 009.

5. The Principal Secretary,
Department of Higher Education
Secretariat, Chennai 600 009.

+5cc to Mr.Muthumani Duraisami, Advocate SR.73584
+1cc to the Government Pleader SR.74116

W.P.Nos.24302, 24307, 24309,
24312 and 24315 of 2019

(CO)
CB(18/10/2019)



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