

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE THIRU JUSTICE **V. PARTHIBAN**

W.P.No.7832 of 2020

P.Vimal Raj

... Petitioner

Vs.

1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai – 600 025.

3.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram – 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing respondents 1 & 2 to transfer the petitioner from the Government Polytechnic College, Oothankarai to 3rd respondent University or any place in his native district at Cuddalore, on humanitarian consideration by considering his representation dated 05.03.2020 within time framed by this Court.

For Petitioner : Mr.K.Gandhi KUmar,
For Respondents : Mr.Karthigai Balan, GA
(for R.1 & R.2)
Mr.Kamalanathan, SC (for R.3)

ORDER

The matter is taken up through web hearing.

2.This writ petition is filed for the following prayer:

"To direct respondents 1 & 2 to transfer the petitioner from the Government Polytechnic College, Oothankarai to 3rd respondent University or any place in his native district at Cuddalore, on humanitarian consideration by considering his representation dated 05.03.2020 within time framed by this Court."

3.The petitioner was originally a non-teaching staff employed in the third respondent/University. In 2017, he was transferred from the University services and posted to Government Polytechnic College, Oothankarai for a period of 3 years on a re-deployment basis. This was necessitated in view of the fact that the petitioner and several other such staff were appointed by the University earlier over and above the sanctioned posts. The Government infact had to take over

the University due to mis-management of the University and later on the Government found that several hundreds of staff have been appointed in surplus of the sanctioned strength.

4.In the above circumstances, in order to retrieve the University administration from the financial burden of employing more staff than the requirement, the surplus staff both teaching and non-teaching have been shunted to various institutions, primarily not to deprive them of their employment.

5.The present writ petition is that the petitioner having served in the re-deployment post for 3 years seeking to return to the University services being aggrieved by the fact that by G.O.Ms.No.76 dated 27.05.2020, such re-deployment has been extended for one more year.

6.This Court infact dismissed a writ petition recently in W.P.No.11635 of 2020, challenging said Government Order filed by an Association styled as Deputation Employees Welfare Association questioning the extension of re-deployment for one more year under the said Government Order, vide its order dated 08.09.2020. Infact,

in this case, the Government Order dated 27.05.2020 has not been even put to challenge and the petitioner herein is merely seeking a direction.

7.As stated above, the re-deployment of the staff like the petitioner is a bonafide exercise by the Government to protect the existing employment of surplus staff and therefore the petitioner cannot chose to return to the University services as a matter of right unless the status of the University administration is retrieved considerably in future.

8.In the above circumstances, this Court finds that there is absolutely no merit in the writ petition and hence stands dismissed. No costs.

सत्यमेव जयते

11.09.2020

mrm

Index : Yes/No

Internet : Yes/No

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