

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

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THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.14033 of 2020

R.Senthil Kumar

.... Petitioner

Versus

1.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Higher Education (H1) Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Social Welfare Department,
Secretariat, Fort St.George,
Chennai 600 009.

3.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002,
Cuddalore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 04.09.2020, for transferring the petitioner to any of the Government office in Cuddalore District on Medical and Humanitarian grounds.

For Petitioner : Mr.R.Sagadevan

For Respondents : Mr.Karthikai Balan, GA for R1
Mr.R.Janani, AGP for R2
Mr.V.R.Kamalanathan for R3

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 04.09.2020, for transferring the petitioner to any of the Government office in Cuddalore District on Medical and Humanitarian grounds.

2. The case of the petitioner is that he was appointed as Office Assistant in the third respondent University in 2002 and subsequently, his service was regularized on 26.04.2004. In view of the fact that many teaching and non-teaching staff were appointed in the third respondent University against the sanctioned strength and in order to redeploy in other institutions to avoid non-employment of the surplus staff in 2017, the surplus staff were redeployed in various institutions. The petitioner is one of them to be redeployed in Social Welfare Department for a period of three years under G.O.Ms.108, Higher Education (H1) Department dated 28.04.2017.

3. According to the petitioner, he is suffering from Heart ailment and was also taking treatment for the same. He is a native of Chidambaram, Cuddalore District. He is unable to maintain two establishments, one in Chidambaram, where his family is located and the other in Chennai, where he is presently working. Therefore, he made a representation on 04.09.2020, to the first respondent, to re-transfer him to his native District or to post him in any available vacancy in the nearby places. However, since no action was forthcoming from the first respondent, the petitioner is before this Court by way of this writ petition.

4. Mr.Karthikai Balan, learned Government Advocate appearing for the first respondent would submit that this Court has already taken a decision in number of matters that the surplus staff who were deployed in another institution, cannot seek re-transfer till the affairs of the third respondent University returned to normal state. Even recently, according to the learned counsel, this Court has dismissed similar writ petition seeking re-transfer of the deployed surplus staff of the University in W.P.No.7832 of 2020 on 11.09.2020. In fact, the Government has recently passed a Government Order in G.O.Ms.No.76, Higher Education (H1) Department dated 27.05.2020, extending the deployment for one more year from 2020 to 2021. The said Government Order was challenged and this Court has dismissed the same in W.P.No.7832 of 2020, by observing as follows:

"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."

5. In the above said circumstances, this writ petition has to necessarily meet the same fate and hence, the writ petition stands dismissed. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
Higher Education (H1) Department,
Secretariat, Fort St.George, Chennai 600 009.

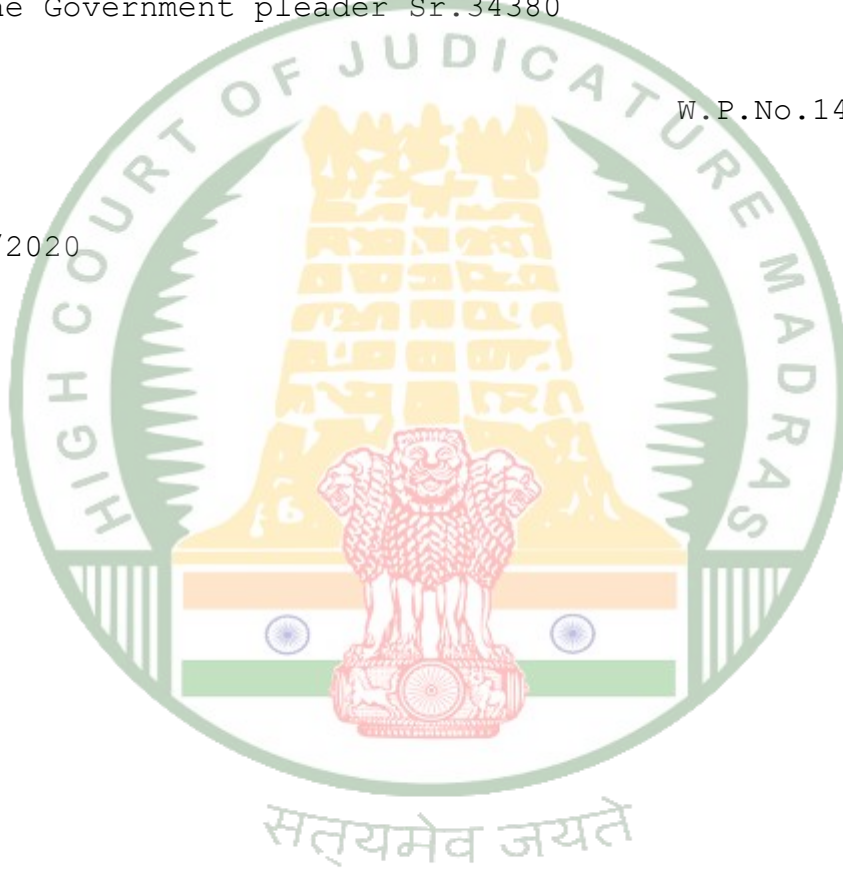
2.The Principal Secretary,
Social Welfare Department,
Secretariat, Fort St.George, Chennai 600 009.

3.The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram 608 002,
Cuddalore District.

+lcc to Mr.R.Sagadevan, Advocate Sr.34541
+lcc to the Government pleader Sr.34380

W.P.No.14033 of 2020

sr[co]
srg 08/12/2020



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