

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16493 of 2020

A.Akilan

...Petitioner

Vs

1. The Government of Tamilnadu,
rep. By its Principal Secretary,
Higher Education (H1) Department,
Secretariat, Fort St. George,
Chennai 600 009.
 2. The Commissioner,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai 600 025.
 3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram - 608 002,
Cuddalore District.
- ...Respondents

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 1st Respondent to consider the Petitioner's representation dated 12.09.2020 for transferring the Petitioner to any of the Government Offices in Cuddalore District on medical and humanitarian grounds.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.Karthikaibalan,
Government Advocate

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O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent to consider his representation dated 12.09.2020 as regards transferring him to any of the Government Offices at Cuddalore District on medical and humanitarian grounds.

2. According to the Petitioner, he is working under the 2nd Respondent as Watchman in the Government Polytechnic College, Gandarvakottai, Pudukottai District and his family members are residing at Chidambaram. It is his case that, he is suffering from

cervical spondylitis and that, Doctor has advised him to undergo physiotherapy treatment and in continuation of the same, he is taking regular medicines. Hence, he made a representation dated 29.07.2020 to the 1st Respondent to re-transfer him to his native place at Chidambaram in any post of Office Assistant, on medical and humanitarian grounds and the same is pending consideration.

3. The Petitioner was originally a non-teaching staff employed in the 3rd Respondent-Annamalai University. He was appointed in the post of Watchman in the Department of Technical Education for a period of three years on re-deployment basis, subject to terms and conditions of G.O.(Ms.) No.108, Higher Education (H1) Department, dated 28.04.2017. This was necessitated in view of the fact that, the Petitioner and several other staff were appointed by the University earlier over and above the sanctioned posts. The Government, in fact, had to take over the University due to mismanagement of the University and later on, the Government found that, several hundreds of staff were 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. Learned Government Advocate appearing for the Respondents submitted that, the Petitioner has served in the re-deployment post for three years and he is 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. In a similar circumstance, this Court, by an order dated 08.09.2020, dismissed W.P.No.11635 of 2020, which was filed challenging the said Government Order. As stated above, 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.

7. Though the Petitioner has come forward with an innocuous prayer seeking disposal of his representation, this Court is of the view that, the Petitioner may not be entitled to the relief sought for by him, as it is for the Government to decide whether to accommodate the Petitioner or not. If any direction is given to the Respondents to dispose of the Petitioner-s representation, it will give rise to further round of litigation.

8. In the above said circumstances, this Court does not find any merit in the Writ Petition. Hence, the Writ Petition stands dismissed. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

(aeb)

To:

1. The Principal Secretary,
Government of Tamilnadu,
Higher Education (H1) Department,
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Chennai 600 009.
2. The Commissioner,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai 600 025.
3. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram - 608 002,
Cuddalore District.

+1cc to Government Pleader, Sr.No.7093

+1cc to Mr.R.Sagadevan, Advocate, Sr.No.7418

W.P.No.16493 of 2020

AK(CO)

KKV/17/03/2021

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