



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.33707 & 33708 of 2014

G.Annamalai
Junior Assistant,
Assistant Director of Ex-Servicemen Welfare Office,
Vellore District.

... Petitioner in WP.No.33707 of 2014

S.Sampath Kumar
Junior Assistant,
Assistant Director of Ex-Servicemen Welfare Office,
Vellore 632 001.

... Petitioner in WP.No.33708 of 2014

Vs

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.

... Respondents in both WPs

Common Prayer: These Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representations dated 10.07.2014 of the petitioners regarding transferring and allotting the petitioners to Rural Development and Panchayatraj Department, Tiruvannamalai District Unit (WP.NO.33707/2014) and Vellore District Revenue Unit (WP.No.33708/2014).

For Petitioners : Mr.Kannan for M/s.N.Revathi
in both Wps

For R1 : Mr.R.S.Selvam, GA in both Wps

For R2 : Mr.Balamuralikrishnan, TNPSC
in both WPs



COMMON ORDER

The relief sought in these writ petitions is to direct the respondents to consider the representations dated 10.07.2014 submitted by the petitioners regarding transferring and allotting them to respective Rural Development and Panchayat Raj Department, Tiruvannamalai District and Revenue Department, Vellore District.

2.The case of the petitioners is that the Government by G.O.Ms.No.85, P&AR Department, dated 04.07.2003, directed to recruit the candidates through Employment Exchange on contract basis on a gross remuneration of Rs.4,000/- per month in the vacancies created due to the General strike conducted by the Government Employees and teachers in July 2003. Pursuant to the said G.O, the petitioners were appointed in the respective Departments viz., the office of the Panchayat Union, Pudupalayam (Rural Development Department) and Revenue Department, Vellore District. Thereafter, in order to absorb such Contract employees recruited in all the Districts, the Tamil Nadu Public Service Commission conducted Special Competitive Examination 2007 for Group IV Services, in which, the petitioners appeared and successfully completed and were also called for Certificate Verification on 10.02.2012. Accordingly, they appeared for the same and expressed their option to serve in their respective original Departments. However, they were given appointment as Junior Assistant in Ex-servicemen Welfare Department. Consequently, they were relieved and joined duty in the Directorate of Ex-Servicemen Welfare Department on 20.03.2012 and 04.05.2012 respectively.

3.It is the further case of the petitioners that pointing out that they had rendered nearly 9 years of Service in their respective Rural Development Department and Revenue Department and gained vast experience, they submitted representations seeking transfer and allot them to their respective original Departments, which were not considered. Therefore, they preferred writ petitions, which were dismissed on the ground that transfer cannot be sought as a matter of right. However, stating that there is no promotional avenue in the Ex-servicemen Welfare Department, whereas the same is large in number in their respective original departments, they made representations dated 10.07.2014 to the respondents, requesting to transfer and allot them to their respective original departments, which were kept pending till date. Hence, these writ petitions.

4.After hearing both sides and upon perusal of the documents enclosed in the typed set of papers, this Court taking note of the limited relief sought in this writ petition, directs the



respondents to consider the Petitioners' representations dated 10.07.2014, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks (8) weeks from the date of receipt of a copy of this order.

5. These Writ Petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
Chennai - 600 003.

W.P.Nos.33707 & 33708 of 2014

PCH(CO)
HS(16/07/2021)