

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.6488 OF 2020

AND

W.M.P.NO.7686 OF 2020

S.Yoganandha Boopathi

...Petitioner

Vs.

1.The Director,
Medical and Rural Health Services,
Chennai 600 006.

2.The Joint Director,
Medical and Rural Health Services,
Vellore District - 632 001.

3.The Medical Officer,
Vaniyambadi Government Hospital,
Thirupattur District.

4.The District Collector,
Vellore District - 632 009.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to grant the Petitioner with No Objection Certificate and relieving order from the Post of Assistant, Government Hospital, Vaniyampadi and consequently, direct the 4th respondent to permit the Petitioner to join duty in the post of Revenue Assistant, Tahsildhar, Natramapalli within the time frame fixed by this Court.

For Petitioner : Ms.A.Pramila

For Respondents : Mr.T.Arunkumar
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st to 3rd respondents to grant the

petitioner with No Objection Certificate and relieving order from the post of Assistant, Government Hospital, Vaniyampadi and consequently, to direct the 4th respondent to permit the petitioner to join duty in the post of Revenue Assistant, Tahsildhar, Nattramapalli, within the time frame fixed by this Court.

2. According to the petitioner, the petitioner was working as Assistant in Vaniyambadi Government Hospital and he has been selected through Group-II examination conducted by the Tamil Nadu Public Service Commission and he was appointed as Revenue Assistant in Nattrampalli Taluk Office as per the Proceedings in Na.Ka.A2/14519/2018, dated 28.06.2018 of the District Collector, Vellore District. Thereafter, the petitioner made a representation dated 06.08.2018 to the Joint Director/the 2nd respondent herein seeking 'No Objection Certificate'. According to the petitioner, the said 'No Objection Certificate' has not been served to the petitioner. Therefore, the District Collector, Vellore District/the 4th respondent has not permitted the petitioner to join duty. Hence, he has filed the instant writ petition.

3. The 4th respondent has filed counter affidavit, wherein it has been stated that the petitioner and five other persons have not joined duty within six months from the date of posting order. As per Section 7(5) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, if the recruited person fails to join duty within three months from the date of receipt of order directing him to join duty or within an earlier date, he shall forfeit his right for appointment to the post and his name shall be removed from the approved list.

4. According to the petitioner, since the 2nd respondent has not issued 'No Objection Certificate' to the petitioner. Therefore, on the aforesaid ground, he has not joined duty in the 4th respondent-office.

5. The Administrative Officer of the 2nd respondent has appeared before this Court. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the Director of Medical and Rural Health Services, Chennai, by the Proceedings in Ref.No.75812/E2/1/2018, dated 23.10.2020 has passed the relieving order to the petitioner and subsequently, the 1st and 2nd respondents have not received any request from the petitioner for passing an appropriate order for relieving him. Further, he submitted that the 2nd respondent is ready to furnish the 'No Objection Certificate' to the petitioner for relieving from the present job.

6. In the light of the above submissions made by the parties, this Court is inclined to pass orders as follows:-

- (i) The 2nd respondent is directed to issue 'No Objection Certificate' to the petitioner to join duty in the 4th respondent-office, within a period of one week from the date of receipt of a copy of this order.
- (ii) On receipt of such 'No Objection Certificate', the petitioner is directed to make a request to the 4th respondent to join duty.
- (iii) Based on the said request made by the petitioner, the 4th respondent is directed to consider the request for appointment of the petitioner to the post of Revenue Assistant in Nattrampalli Taluk Office and to take appropriate decision as early as possible, within a period of four weeks from the date of receipt of the representation from the petitioner.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

1. The Director,
Medical and Rural Health Services,
Chennai 600 006.
2. The Joint Director,
Medical and Rural Health Services,
Vellore District - 632 001.
3. The Medical Officer,
Vaniyambadi Government Hospital,
Thirupattur District.
4. The District Collector,
Vellore District - 632 009.

+1cc to Mr.P.Nethaji, Advocate Sr.No.41050

+1cc to the Government Pleader Sr.No.42046

W.P.No.6488 of 2020

SKM(CO)
RVM(12/07/2022)