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W.P.No.24486 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24486 of 2023

G.Balachandran

.... Petitioner

Vs

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

2. The Principal Secretary & Commissioner of Museum
Department of Government Museum,
Pantheon Road,
Egmore, Chennai – 600 008.

3. The Director,
Department of Museum,
Pantheon Road,
Egmore, Chennai – 600 008.

4. The Assistant Director (Administration)
Government Museum,
Pantheon Road,
Egmore, Chennai – 600 008.

5. The Curator,
Government District Museum,
Cuddalore.

.... Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for WRIT OF MANDAMUS directing the respondents 1 to 4 to consider the petitioner's representation dated 21.06.2023 by retaining the petitioner in Cuddalore Government District Museum where he is working at present and pass orders on humanitarian ground within a time to be stipulated by this Court.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus for direction directing the respondents 1 to 4 to consider the petitioner's representation dated 21.06.2023 by retaining the petitioner in Cuddalore Government District Museum where he is working at present and pass orders on humanitarian ground within a time to be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner was originally working as last grade servant viz., as Office Assistants in Annamalai University. He was appointed on 02.05.2006 and his service was regularised on 26.06.2008. However,



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subsequently, the petitioner was found surplus and therefore, the Government issued G.O.Ms.No.108 Higher Education (H1) Department dated 28.04.2017 and G.O.Ms.No.180 Higher Education (H1) Department dated 11.07.2017, whereby, surplus teaching and non-teaching staff working in the Annamalai University were appointed in various Government Departments on agreement basis.

4. The petitioner herein was posted as Gallery Guard to Government Museum, Egmore, Chennai, for a period of three years with effect from 18.05.2017. Thereafter, he was transferred on deputation basis as Gallery Guard to Cuddalore Museum on 08.10.2020 for a period of six months. He joined duty on 09.10.2020 and he will be completing three years of service in the said Department on 17.05.2020.

5. As per the terms and conditions of Annexure – II to G.O.(Ms) No.108 Higher Education (H1) Department dated 28.04.2017 and G.O.(Ms) No.180 Higher Education (H1) Department dated 11.07.2017, the non-teaching staff working in various departments of the Government, on completion of their tenure, would be reverted to Annamalai University. Accordingly after serving in various Government Departments on agreement basis, after completion of their service, they were reverted back to the University. According to the petitioner, many



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posts of Office Assistants, being last grade servants, were available in the Department of Agriculture and other Departments in and around Chidambaram/Cuddalore Districts. In such circumstances, the petitioner made a representation to the respondents 1, 2 and 4 on 15.03.2021, requesting them to retain and extend his existing post of Gallery Guard in Cuddalore Museum itself. The said representation has not been disposed of and therefore, the petitioner is before this Court.

6. The learned counsel appearing for the petitioner would submit that under similar circumstances, this Court passed an order on 10.07.2019 in W.P.No.19392 of 2019. The order passed by this Court in the above said matter and the direction issued as found in paragraphs 1 to 4 are extracted herein :-

“The petitioner was appointed as on Office Assistant in the office of the Assistant Commissioner of Civil Supplies and Consumer Protection, Mount Zone, Chennai. She was earlier working in Annamalai University. The petitioner has preferred a representation on 12.05.2017 requesting the respondent to consider for transferring to her native place namely, Chidambaram District, since she has got aged parents to support. According to her, a representation has been received by the respondent on



19.05.2017. Since no orders have been passed till this time, the petitioner is before this Court for issuance of writ of mandamus.

2. After notice in the writ petition, Mr.V.Kathirvelu, learned Special Government Pleader has entered appearance on behalf of the respondent.

3. The learned Special Government Pleader for the respondent would submit that in view of the limited prayer being sought in the writ petition, the respondent may be directed to pass orders on merits on the petitioner's request within the time to be stipulated by this Court.

4. Considering the submissions made on behalf of the learned counsels, the present writ petition is disposed of, with the following direction :

(i) The respondent is directed to consider the representation of the petitioner said to have been submitted on 12.05.2017 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

(ii) While disposing of the representation, the respondent shall also take into consideration the personal difficulties expressed by the petitioner in her representation and deal with the representation sympathetically and pass orders as indicated above. No costs.”



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7. The learned counsel appearing for the petitioner would submit that similar directions may be issued in this petition as well.

8. The learned Special Government Pleader submits that he has no objection for granting such direction, since in any event, the Government has to take a decision with regard to posting of the petitioner after completion of his tenure of three years as agreement basis.

9. In the above said circumstances, this writ petition is disposed of with the following direction :-

(i) The third respondent is directed to consider the representation of the petitioner dated 21.06.2023, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

(ii) While disposing of the representation, the third respondent shall consider the claim sympathetically taking note of the legitimate request of the petitioner as belonging to last grade service and post him in the nearby places in and around Cuddalore District so that they do not suffer from any undue difficulty of he being accommodated to far off places. This Court trusts that benevolent approach may be adopted by the authorities in considering the claim of the petitioner.



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10. The Writ Petition is disposed of with the above direction.

No costs.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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