
(2014) 08 MAD CK 0199

In the Madras High Court

Case No : W.P. (MD) No. 13263 of 2014 and M.P. (MD) No. 1 of 2014

M. Sankar

APPELLANT

Vs

The Secretary to Government

RESPONDENT

Date of Decision : 20-08-2014

Acts Referred:

Citation : (2014) 08 MAD CK 0199

Hon'ble Judges : K.K. Sasidharan, J

Bench : Single Bench

Judgement

K.K. Sasidharan, J.—The petitioner was appointed as Inspector of Fisheries by the Fisheries Department. He is now functioning as Inspector of Fisheries in the Office of Assistant Director of Fisheries, North Ramnad.

2. The petitioner with the permission of the third respondent submitted an application for appointment to the post of Assistant Professor in Tamil Nadu Fisheries University. The petitioner was ultimately selected. The petitioner was directed by the fourth respondent to join duty vide order dated 16.07.2014. He was given extension of time to join duty on account of delay in relieving him by the second respondent. The second respondent ultimately rejected the request of the petitioner on the ground that due to dearth of hands in the cadre of Inspector of Fisheries, it is not possible to relive him from service. The said order is under challenge in this Writ Petition.

3. The learned Government Advocate on instructions would submit that the petitioner has executed a bond to serve the Department for a period of five years and that was the reason for refusal to relieve the petitioner midterm from the post of Inspector of Fisheries.

4. The impugned order was passed on the ground that due to dearth of hands in the cadre of Inspector of Fisheries, it is not possible to relieve the petitioner from service. The reason that there are no sufficient hands in the Department to function as Inspector of Fisheries cannot be valid reason to reject the request of

the petitioner to relieve him from the post of Inspector of Fisheries. It is pertinent to note that it was only the second respondent, who has given no objection to the petitioner to submit application for appointment to the post of Assistant Professor. The second respondent is therefore not justified in passing the impugned order.

5. In the result, the impugned order is set aside. The second respondent is directed to consider the application of the petitioner and pass appropriate orders, relieving him from the post of Inspector of Fisheries. Such exercise shall be completed within a period of one week from the date of receipt of a copy of this order. However, I make it clear that in case the second respondent is legally entitled to act on the bond executed by the petitioner, this order would not stand in the way of taking any such action in accordance with law.

6. The Writ Petition is allowed as indicated above. No costs. Consequently, connected M.P.(MD) No. 1 of 2014 is closed.