

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.11694 of 2015

V.Veeramanikandan

.. Petitioner

vs

1.The Director and Superintendent
In Charge,
I.O.G. Government Hospital for
Women and Children
Villupuram

2.The Dean
The Government Villupuram
Medical College
Villupuram

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to relieve the petitioner from service to enable him to join the first respondent hospital pursuant to the order in reference No.6967/E1/3/2013 dated 27.1.2015.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he is working as a Sweeper at the Government Villupuram Medical College, Villupuram, viz. the second respondent, for nearly four years and the first respondent vide proceedings dated 27.1.2015, has transferred the petitioner from the above said service and posted as Record Clerk. The grievance expressed by the petitioner, is that though the said order came to be passed as early as on 27.1.2015, it has not been given effect to and hence, came forward to file this writ petition.

3.Heard the submissions of the learned Counsel appearing for the petitioner, who would submit that once the first respondent passed the order on 27.1.2015, the second respondent is bound to obey the same and hence prays for appropriate orders.

4.Per contra, Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents, would submit that the superiors to the petitioner have given objection to the second respondent to relieve the petitioner so as to enable him to join the post as Record Clerk in the services of the first respondent, and therefore, he has not been relieved.

5.In response to the said submission, the learned Counsel appearing for the petitioner, would submit that the first respondent is the superior officer and in terms of the order dated 27.1.2015, passed by the said official, the second respondent is bound to obey the same and therefore, prays for appropriate direction directing the second respondent to relieve the petitioner from the service of the second respondent so as to enable him to join as Record Clerk in the service of the first respondent.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.In the light of the submissions made by Mr.S.Gunasekaran, learned Government Advocate, on instructions, this Court directs the second respondent to communicate the decision to the petitioner as to his non-relieving pursuant to the proceedings of the first respondent dated 27.1.2015, within a period of two weeks from the date of receipt of a copy of this order and the petitioner on receipt of the same, is at liberty to work out his further remedy in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar(ASII)

True copy

Sub Asst. Registrar

To:

1.The Director and Superintendent
In Charge,
I.O.G. Government Hospital for
Women and Children
Villupuram

2.The Dean
The Government Villupuram
Medical College
Villupuram

+1 cc to Mr.V.Raghavachari Advocate sr.43108
+1 cc to the Government Pleader sr.43602

W.P.No.11694 of 2015

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