

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17854 of 2015

M.Mani

... Petitioner

-vs-

1. The Director of Medical and Rural Health Services
o/o the Director of Medical and Rural Health Services
Teynampet, DMS Complex
Chennai-9
2. The Joint Director of Medical and Rural
Health Services and Family Welfare
o/o the Joint Director of Medical and Rural
Health Services and Family Welfare
Veppamara Street
Velapadi, Vellore District
3. The Director of Medical and Rural
Health Services (ESI)
Office of the Director of Medical and
Rural Health Services
VII Floor, No.359, Anna Salai
Chennai 600 006

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records of the third respondent relating to his proceedings in Ref.No.12736/ESI/E1 (2)/2015 dated 01.06.2015 and quash the same.

For Petitioner : Mr.Pradeep Jayaraman

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

The impugned transfer and posting order has been challenged by the petitioner on the ground of mala fide, since he has been transferred to a place which is 15 kilometers away from the present location and that too, on the verge of his retirement.

2. Learned counsel for the petitioner, assailing the impugned order, further submitted that when the petitioner filed W.P.No.18058 of 2012 seeking a direction to the respondents therein for implementation of the selection grade and special grade scales of pay as indicated in Schedule II of the Tamil Nadu Revised Scales of Pay Rules, 1998 at Rs.5,000/- and Rs.5,500/- respectively with all consequential monetary benefits with the payment of arrears, on the disposal of the said writ petition by this Court by order dated 16.7.2012 giving a direction to the respondents to consider his representation, only to wreck vengeance against the petitioner, the impugned transfer and posting order has been passed. He has also submitted that when there was a failure on the part of the respondents to implement the order dated 16.7.2012 passed in W.P.No.18058 of 2012, Contempt Petition No.3233 of 2014 was filed, therefore, the respondents, being inimical towards the petitioner, have disturbed him by way of the present impugned order.

3. This Court finds no merits in the writ petition challenging the impugned transfer and posting order dated 1.6.2015, in and by which the petitioner Mr.M.Mani, Driver has been transferred and posted to ESI hospital, Vellore from the office of the Joint Director of Health Services, Vellore, a distance of about 15 kilometres according to the petitioner. This Court, taking into account that the transfer is not only an incident of service but also a condition of service, is not inclined to interfere with the impugned order. Accordingly, the writ petition fails and it is dismissed. Consequently, M.P.No.1 of 2015 is also dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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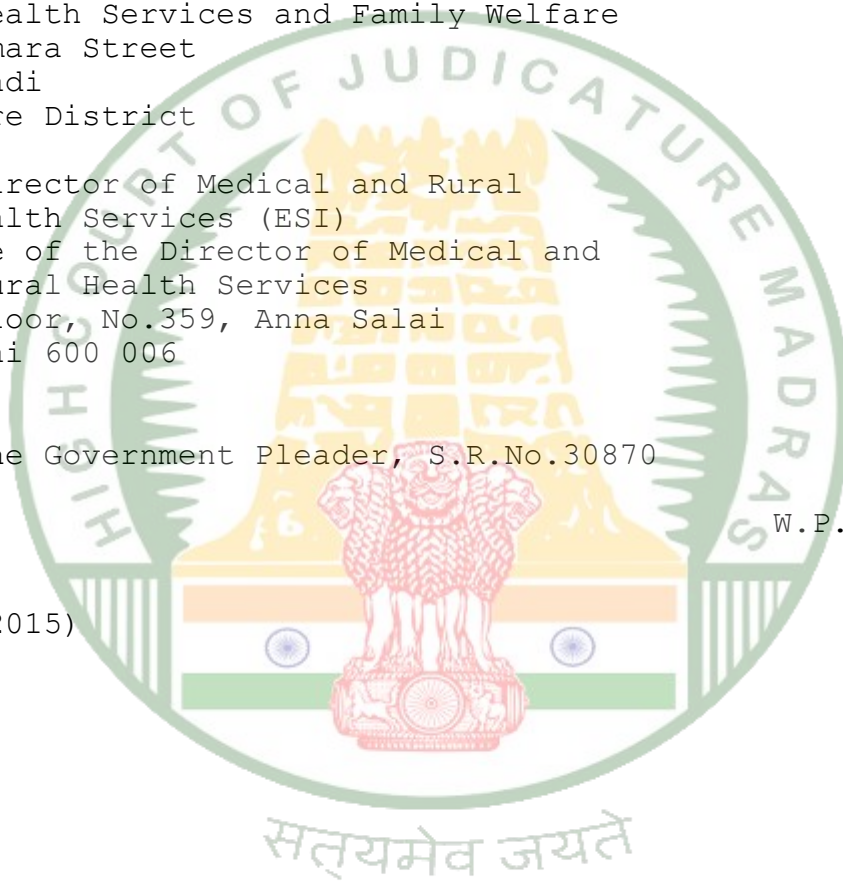
To

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+1cc to the Government Pleader, S.R.No.30870

W.P.No.17854 of 2015

SCD(CO)
CA(13/07/2015)



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