

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.8622 of 2015
& M.P.Nos.1 and 2 of 2015

1 K.Jeyalakshmi .. Petitioner

Vs.

1 State of Tamilnadu
Rep by its Secretary to Government
Health Department
Secretariat
Fort St.George
Chennai -9.

2 The Director of Health Services
Public Health and Preventive Medicine
DMS Complex
Teynampet
Chennai - 18.

3 The Joint Director-NRHM
DMS Complex
Teynampet
Chennai 600 018.

4 Mrs.Amutha Devi
Joint Director NRHM
DMS Complex
Teynampet
Chennai 18.

5 The Deputy Director of Health Services
Ooty
The Nilgiris District.

6 Mrs Banumathi
Deputy Director of Health Services
Ooty
The Nilgiris District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus forbearing the Respondents 2, 3 and 5 from transferring the petitioner from Masinagudi Primary Health Center, The Nilgiris District to any other Primary Health Centres.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.A.Kumar, Spl.GP

O R D E R

By consent, the Writ Petition is taken up for disposal during the time of admission.

2. The petitioner is presently working as Auxiliary Nursing Midwife in Government Primary Health Centre, Masinagudi in the District of Nilgiris. It is the grievance of the petitioner that she was subjected to frequent transfer from one place to another. When she was about to transfer from Masinagudi, she made a representation to the second respondent not to transfer her on account of adverse family circumstances. Notwithstanding the said representation, the fifth respondent transferred her from Masinagudi Primary Health Centre to Sri Madurai Primary Health Centre. According to the petitioner, she has not received the transfer order and as such she has come up with this Writ Petition not to transfer her from the present location.

3. There is no question of issuing a mandamus to restrain the respondents from transferring the petitioner, in view of the submission made by the petitioner that she has already been transferred. The transfer order is not under challenge presumably on the ground that it has not been served on the petitioner. The legality and correctness of the transfer order could be considered only in case the transfer order is challenged by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner would be satisfied in case a direction is issued to consider the representation dated 11.03.2015 and permit her to reside in the official quarters till the disposal of such representation.

5. The learned counsel also seeks a direction to the fifth respondent to provide a copy of the transfer order to the petitioner transferring from Masinagudi.

6. The second respondent is directed to consider and dispose of the representation submitted by the petitioner dated 11.03.2015 on merits and as per law, as expeditiously as possible and in any case, within a period of four weeks from the date of receipt of a copy of this order.

7. It is needless to point out that the petitioner should be permitted to occupy the residential quarters, which is presently in her occupation, till the disposal of the representation by the second respondent. There shall be a further direction to the fifth respondent to forward a copy of the transfer order to the petitioner by Registered Post with Acknowledgment Due.

8. The Writ Petition is disposed of with the above direction. No costs. The connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr
To

- 1 The Secretary to Government
State of Tamilnadu
Health Department
Secretariat
Fort St.George
Chennai -9.
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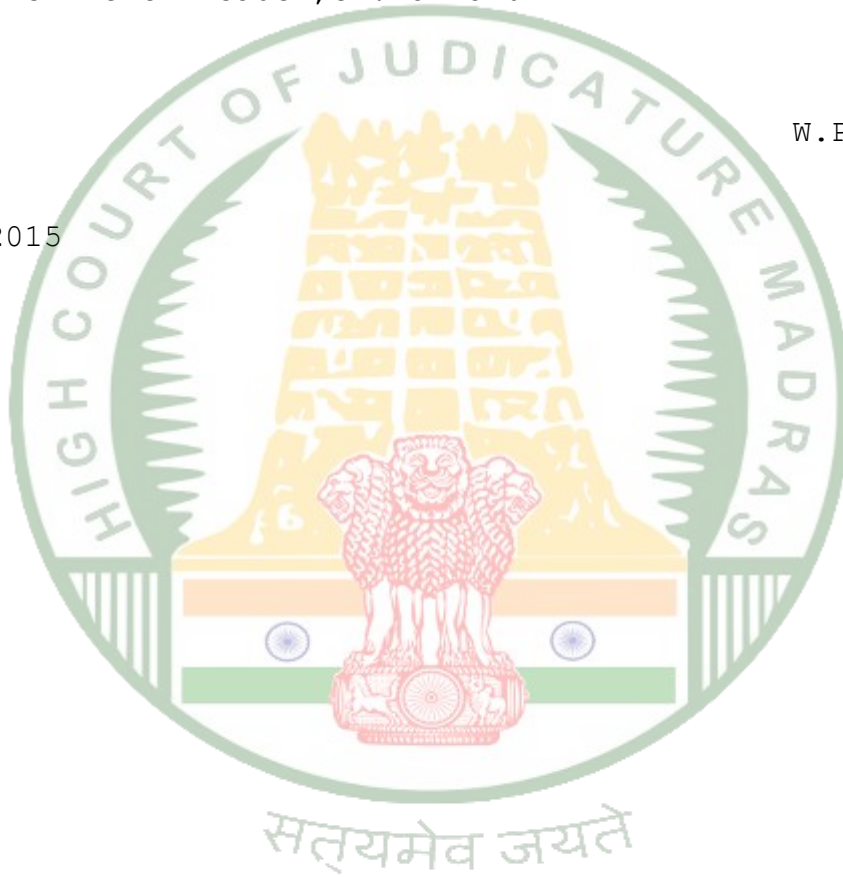
6 Mrs Banumathi
Deputy Director of Health Services
Ooty
The Nilgiris District.

1 cc to Mr.R.Sankarasubbu ,Advocate, SR.No.16935

1 cc to Government Pleader, Sr.No17320

W.P.No.8622 of 2015

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pmk.30.3.2015



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