

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17456 of 2016

Mrs.P.Deivarathi

.. Petitioner

Versus

1.The Secretary
Health and Family Welfare Department,
St. George Fort,
Chennai-09.

2. The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Teynampet,
Chennai-600 006.

3. The Director,
Director of Medical Education,
Poonamalli High Road, Kilpauk,
Chennai-10

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 12.04.2016 and transfer the petitioner from Government Medical College Hospital, Sivagangai to the petitioner's native place or in Thirumangalam, Government Hospital, or Rajai Government Hospital Madurai, Madurai District and any other nearest Government Primary Health Centre Hospital.

For Petitioner : Mr. R.K.Gandhi

For Respondents : Mr. A.Kumar

Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 12.04.2016 and transfer her from Government Medical College Hospital, Sivagangai to her native place at Thirumangalam, Government Hospital, Madurai District or to Rajai Government Hospital, Madurai, Madurai District.

3. The petitioner would state that she was appointed as staff nurse on 16.08.2007 at Government Primary Health Center Hospital, Nallur, Namakkal District, on consolidated pay. Thereafter, her service was regularized by the second respondent and she was posted as staff nurse at Institute of Child Health and Hospital for children, Chennai, on 13.08.2011. According to the petitioner, she is presently working as staff nurse at Sivagangai Government Medical College Hospital, Sivagangai. She would further state that she hails from Tirumangalam and her husband and in-law's are settled at Thirumangalam Village, Madurai District. Since she is working at Sivagangai, she is unable to take care of her family. It is also stated that she has attended five transfer counseling conducted by the 2nd and 3rd respondents from 2011 to 2016, but unfortunately, she did not get suitable transfer to her native District. According to the petitioner, even persons juniors than her were given transfer as per their wish, however, her claim was not considered. In this regard, the petitioner has sent a representation to the respondents through registered post on 12.04.2016 seeking transfer of her native place at Thirumangalam, Government Hospital or Rajaji Government Hospital, Madurai, Madurai District. Since, such representation has not been considered by the respondents, the petitioner has come forward with this Writ Petition.

4. Heard the submissions of Mr. R.K. Gandhi learned counsel for the petitioner and Mr. A. Kumar, learned Special Government Pleader appearing for the respondents.

5. Mr. A. Kumar, learned Special Government Pleader takes notice for the respondents. He has no serious objection for issuing a direction to the second respondent to consider the representation of the petitioner and to pass appropriate orders thereon within a time frame.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent, to consider the representation of the petitioner, dated 12.04.2016, and pass appropriate orders, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

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Sub Assistant Registrar

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To

1. The Secretary
Health and Family Welfare Department,
St. George Fort,
Chennai-09.

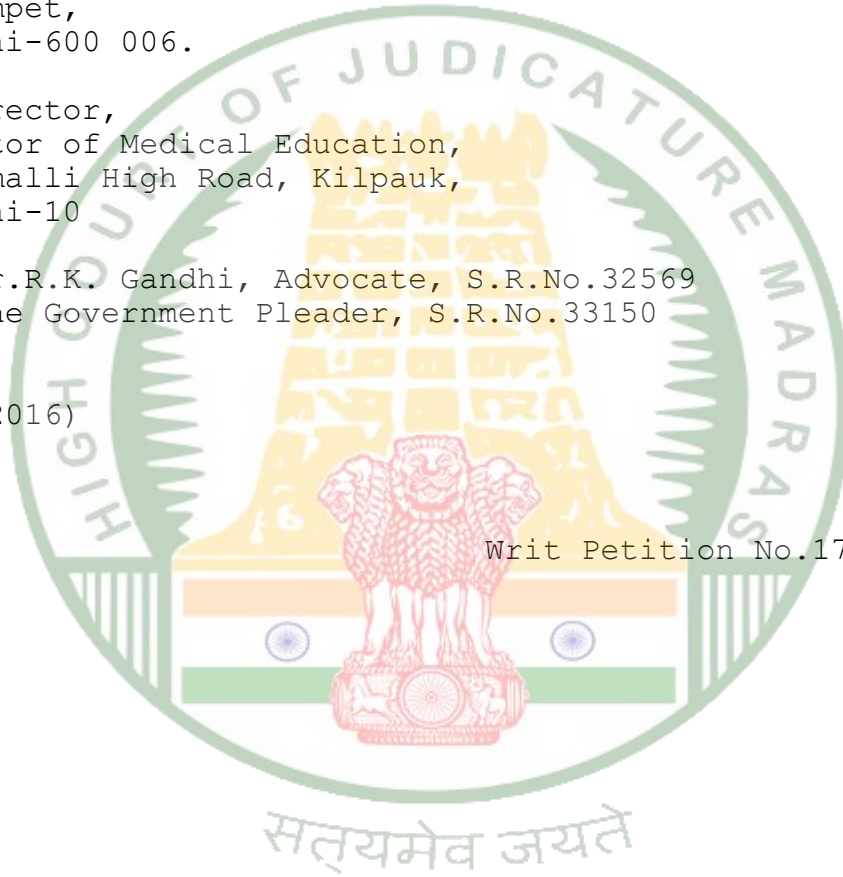
2. The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Teynampet,
Chennai-600 006.

3. The Director,
Director of Medical Education,
Poonamalli High Road, Kilpauk,
Chennai-10

+1cc to Mr.R.K. Gandhi, Advocate, S.R.No.32569
+1cc to the Government Pleader, S.R.No.33150

CTK(CO)
EU(04/07/2016)

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