

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.30544 of 2016

and

W.M.P.No.26480 of 2016

M.Veerasundaram

.. Petitioner

Vs.

1. The Director of Medical and Rural Health Services,
Chennai-600 006.
 2. The Joint Director of Health Services,
Nagapattinam.
 3. The Joint Director of Health Services,
Thiruvallur.
 4. The Medical Officer,
Government Hospital, Keevalur,
Nagapattinam District.
 5. The Medical Officer,
Government Hospital, Thiruvottiyur,
Thiruvallur District.
- सत्यमेव जयते.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in Ref.No.52435/E5/2/2016, dated 16.08.2016 and quash the same.

For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.K.Dhananjayan, Spl.G.P.

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorari to call for the records relating to the impugned order passed by the first respondent in Ref.No.52435/E5/2/2016, dated 16.08.2016 and quash the same.

2. It is the case of the petitioner that he is working as Pharmacist in Government Hospital, Keevalur. He was transferred and posted to Keevalur from Nagapattinam through counselling conducted by the first respondent, by order dated 12.02.2014. The distance between Nagapattinam and Keevalur is more than 15 Kms. The petitioner is staying in Thiruvarur with his family consisting of mother Smt.Nadiyammal, aged about 67 years, who is suffering from diabetes, hyper-tension, mental depression having psychiatric problems, heart disease and partially blind, and wife, who is suffering from respiratory track infection and anticaria (skin disease). The petitioner's son, aged about 23 years, is attending coaching classes in Karaikudi conducted for Civil Engineers and the son is declared 85% deaf. The daughter of the petitioner is studying BDS-2nd year in Vivekananda Women's Dental College, Thiruchengodu. It is further stated by the petitioner that he is the only person available at home taking care of his ailing mother and wife. The petitioner further avers that he is also having severe health ailments due to extraordinary stress and consequently suffering from diabetes, hyper-tension, cardiac problem and he is prescribed to consume mild sleeping dosage of tablet everyday in the night. The distance between the petitioner's house in Thiruvarur and the present office at Keevalur is 17 kms. It is the grievance of the petitioner that all of a sudden, he has been transferred by the impugned order, to Thiruvottiyur, Thiruvallur District, which is more than 350 kms. from the present station. The petitioner further avers that the impugned order is passed on administrative reasons, which is non-existent. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Pending Writ Petition, this Court, on 01.09.2016, granted an order of status-quo, which has been extended from time to time. When the Writ Petition is taken up for hearing today, learned counsel for the petitioner submitted that during the pendency of the Writ Petition, the petitioner has made a representation on 30.08.2016 to the first respondent requesting to transfer him to Thiruvarur District. He further contended

that it would be suffice if the said representation is considered.

5. In view of the above submissions made by the learned counsel for the petitioner, it is not necessary for this Court to deal with the entire averments made in the Writ Petition. Hence, taking into consideration the factual aspects of the matter, without going into the merits of the claim of the petitioner, this Court is constrained to pass the following order.

6. The petitioner is directed to submit a fresh representation to the respondents, along with a copy of this order, by stating his grievance, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such representation, the respondents are directed to consider the said representation and afford an opportunity of hearing to him, and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of two weeks from the date of receipt of such representation. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same while disposing of such representation.

7. With the above observations and directions, the Writ Petition is disposed of. No costs. W.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to

1. The Director of Medical and Rural Health Services,
Chennai-600 006.
2. The Joint Director of Health Services, Nagapattinam.
3. The Joint Director of Health Services, Thiruvallur.
4. The Medical Officer, Government Hospital, Keevalur,
Nagapattinam District.

5. The Medical Officer, Government Hospital, Thiruvottiyur,
Thiruvallur District.

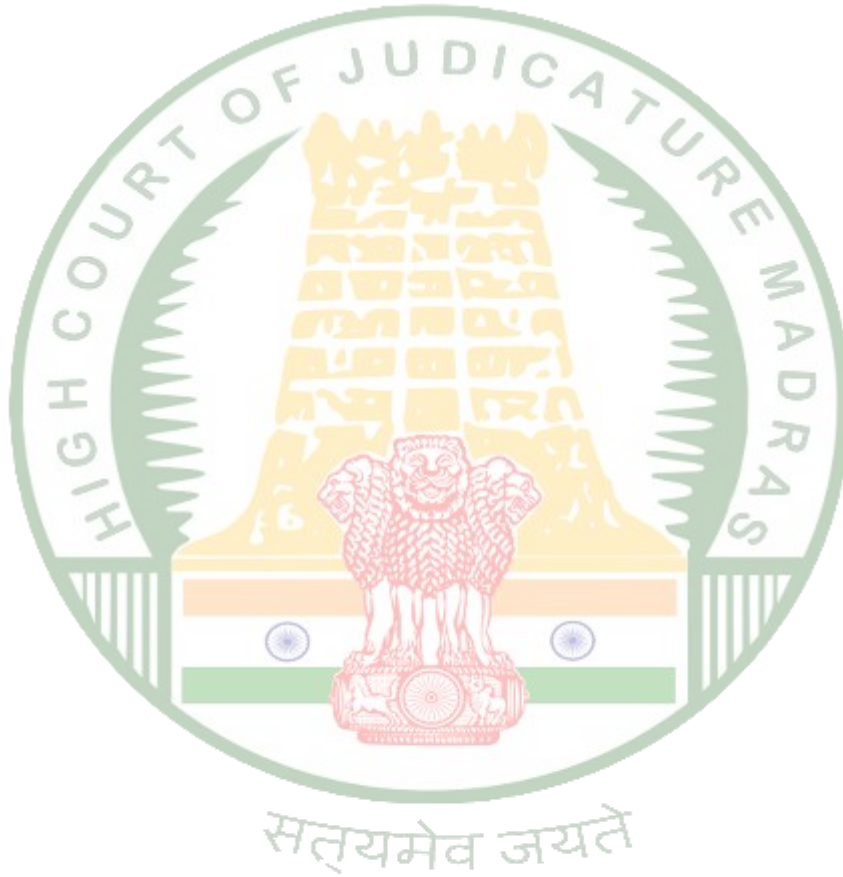
+1cc to Mr.V. Chandrasekaran, Advocate, S.R.No.59341

+1cc to the Government Pleader, S.R.No.60165

ppa (CO)

md (07/11/2016)

W.P.No.30544 of 2016



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