

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.42025 of 2016

Balakrishnan

... Petitioner

Vs.

The Director of Public Health and
Preventive Medicine,
Chennai - 600 006.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the claim of the petitioner for transfer based on his request made by him on 09.11.2016 within a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.N.Srinivasan,
Additional Govt. Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondent to consider the claim of the petitioner for transfer based on his request made by him on 09.11.2016 within a reasonable time.

3.The petitioner would state that he was appointed as a Typist in the year 1990 and he was promoted as Assistant in the year 1994 and subsequently, he was promoted as Superintendent in the year 2010. While he was serving as Superintendent in the PHC Arisipalayam, Coimbatore, i.e. from 15.06.2012, there was a misunderstanding between him and the Block Medical Officer, as Block Medical Officer was acting in violation of the Rules and Procedures in the administration. Therefore, the petitioner made a request to the Deputy Director of Health to transfer him. The petitioner was also deputed to serve at Sankar Kannakulam PHC initially and thereafter, posted to serve at PHC Podanur.

4. The petitioner would further state that even though he has been on deputation, his service records are maintained at Arisipalayam PHC and his salary has been paid from there. Thereafter, the petitioner was posted to serve in PHC Arisipalayam. Hence, the petitioner made a request for transfer from Arisipalayam PHC to a nearby place, on completion of one year of service. But, the said request was not considered.

5. According to the petitioner, he is entitled for transfer on completion of one year of service, as per the transfer policy of the Government. Even though number of vacancies had arisen in the neighbouring PHCs, he was not transferred. Furthermore, as per G.O.Ms.No.10 P & AR Department dated 07.01.1994, which has been amended from time to time, his request should have been considered.

6. Now, it is the grievance of the petitioner that his request for transfer has been denied for the last three years, even though his seniority in respect of seeking transfer is in serial No.1. Furthermore, his wife underwent heart surgery and therefore, he has to take care of his wife. Though the petitioner made several representations before the respondent, they were not considered. Again, he made another representation dated 09.11.2016 to the respondent. But, there is no response. Hence, this writ petition.

7. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who take notice for the respondent.

8. Since the representation of the petitioner dated 09.11.2016 with regard to the relief sought is pending before the respondent and without going into the merits of the case, this Court directs the respondent to consider the representation of the petitioner dated 09.11.2016, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of accordingly. No costs.

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Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

The Director of Public Health and
Preventive Medicine,
Chennai - 600 006.

1 cc to Mr.M. Muthappan, Advocate, Sr. 71012
1 cc top Government Pleader, Sr. 71043

W.P.No.42025 of 2016

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