

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.32098 of 2016 & W.M.P. Nos.27841 and 27842 of 2016

S. Vijayalakshmi

...Petitioner

vs.

1 The Secretary
Health & Family Welfare Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009

2 The Special Secretary
Health & Family Welfare Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009

3 The Director of Medical Education
Kilpauk
Chennai 600 010

...Respondents

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the impugned order passed by the third respondent in Ref.No.58502/N1/2016 dated 22.08.2016 and quash the same and consequently, direct the respondents to re-post the petitioner to original place, viz., Tamil Nadu Government Multi Speciality Hospital, Omandurar Government Estate, Chennai 600 002.

For petitioner Mr. K.P. Chandrasekaran

For respondents Mr. T.M. Pappiah
Special Government Pleader

ORDER

This writ petition has been preferred challenging the transfer order dated 22.08.2016 passed by the third respondent and for a consequential direction to the respondents to re-post the petitioner to the original place, viz., Tamil Nadu Government Multi Speciality Hospital, Omandurar Government Estate, Chennai 600 002.

2 On 16.03.2017, this Court, after hearing the learned counsel for the petitioner for some time, indicated that there is no merit in the matter. After this Court opined so, the learned counsel for the petitioner sought time to withdraw the writ petition, after taking instructions. Under such circumstances, this Court adjourned the matter to be listed today, enabling the learned counsel for the petitioner to take instructions. Accordingly, the matter is listed today under the caption "for withdrawal". Today, when the matter was taken up, the learned counsel for the petitioner, submitting that the petitioner wants to engage some other advocate, sought adjournment of the matter.

3 The above stand of the learned counsel for the petitioner is absolutely unacceptable. Therefore, this Court is inclined to go into the correctness or otherwise of the impugned transfer order.

4 The petitioner, by the impugned order dated 22.08.2016 passed by the Director of Medical Education, Chennai, was transferred from Multi Super Speciality Hospital, Omandurar Government Estate to the Government Kilpauk Medical College Hospital, Chennai, in the existing vacancy on administrative ground. Assailing the said order, the petitioner has come to this Court taking a ground that the same is unjustifiable, because, no reason was assigned therein for her transfer. It is her further stand that the transfer is motivated by her superior and therefore, the impugned order of transfer is liable to be interfered with.

5 But, this Court finds no substance in any of the above grounds made by the petitioner. The petitioner being a Staff Nurse working in the Tamil Nadu Government Multi Super Speciality Hospital, Omandurar Government Estate, Chennai, by the impugned order, has been transferred to the Government Kilpauk Medical College Hospital, Chennai, in the existing vacancy on administrative ground. When the distance between the two hospitals is hardly 4 kms., the stand of the petitioner that no reason is assigned in the impugned order, does not cut ice with this Court, for, it is a trite proposition of law that no transfer order is required to spell out the reasons for transfer. Needless to say, it is also a settled legal position that no Court or Tribunal can interfere with transfer orders unless the same are vitiated by mala fides or lack of authority on the part of the issuing authority, for the reason that it is only the employer who knows who has to be transferred, where he has to be transferred and under what circumstances, such transfer has to be effected.

6 It is submitted by the learned counsel for the petitioner that the representation 25.08.2016 submitted by the petitioner requesting the authorities to keep her transfer and posting order in abeyance still remains unconsidered and hence, at least, the same may be directed to be considered.

7 This Court is afraid that even this request of the learned counsel for the petitioner cannot be acceded to, in view of the fact that the distance between two hospitals is hardly 4 kms.

Ex consequenti, the writ petition fails and is accordingly dismissed as being devoid of merits. No costs. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Secretary
Health & Family Welfare Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009
- 2 The Special Secretary
Health & Family Welfare Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009
- 3 The Director of Medical Education
Kilpauk
Chennai 600 010

+1cc to the Government Pleader, S.R.No.17597

W.P. No.32098 of 2016

KJ(CO)
RS(28/03/2017)