



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.12679 of 2017

and

WMP(MD)No.9793 of 2017

S.Sangeetha

... Petitioner

vs.

1.The Chief Medical Officer,
Government Primary Health centre,
Woraiyur, Trichy,
Trichy District.

2.The Deputy Director of Health Services,
Office of Deputy Director of Health Services,
Trichy, Trichy District.

3.The Joint Director of Health Services,
Office of Joint Director of Health Services,
Nagapattinam,
Nagapattinam District.

4.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Chennai -6.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent herein to implement the order made in Ref.No.8001/N2/2/2017, dated 04.05.2017 on the file of the 4th respondent herein pertaining to serial No.233 within a stipulated period as may be fixed by this Hon'ble Court.

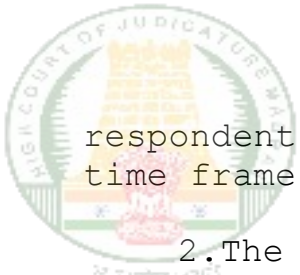
For Petitioner : Mr.R.Sundar

For Respondents : Mr.K.Guru

Additional Government Pleader

O R D E R

The petitioner/S.Sangeetha who suffered an order of transfer in Ref.No.8001/N2/2/2017, dated 04.05.2017, passed by the Director of Medical and Rural Health Services, Chennai, 4th respondent herein, transferring her to the office of the 1st respondent/Chief Medical Officer, Government Primary Health centre, Trichy District, has come to this Court for a direction to the 4th



respondent to implement the said order in respect of her within a time frame to be fixed by this Court.

2.The grievance of the petitioner is that although she was ready and willing to join the office of the 1st respondent at Woraiyur, after being relieved from the Government Headquarters Hospital, Nagapattinam, when she approached the 1st respondent, she was not permitted to join the duty for the reason that there was no vacant post of Staff Nurse therein. But, during the transfer counselling, the said post was shown as vacant, hence, only after noticing that there was a vacant post at Woraiyur, the petitioner selected the same. Only thereafter, she has been transferred to the office of the 1st respondent. When she was about to join the office of the 1st respondent, for the reasons best known to them, she was denied permission to join duty. In the meanwhile, for the reasons best known to the respondents, a reason was invented that there is no any vacancy in the 1st respondent office. Aggrieved by the denial to join duty at the office of the 1st respondent, the petitioner has come to this Court for the aforesaid relief.

3.This Court, taking note of the casual working style of the 4th respondent in issuing the impugned transfer order without even verifying as to whether there was any vacancy in the office of the 1st respondent or not, has directed to the 4th respondent to appear before this Court to offer his explanation as to why action should not be taken against the 4th respondent for passing a casual order relieving the petitioner/Government Servant without application of mind.

4.When the matter came up for hearing on 17.07.2017, the learned Additional Government Pleader appearing for the respondents produced the modified transfer and posting order dated 17.07.2017, and submitted that the petitioner has been re-posted to Government Hospital, Thuraiyur, Trichy District in the existing vacancy.

5.He further submitted that only due to inadvertence, the petitioner was wrongly posted at the office of the 1st respondent, Woraiyur, Trichy District, without noticing whether there was any vacancy therein. Now, after realising the said inadvertent mistake the petitioner has been posted to Government Hospital, Thuraiyur, Trichy District in the existing vacancy vide modified transfer and posting order dated 17.07.2017. But, after issuance of the modified transfer and posting order dated 17.07.2017, to show the bona fide, the 4th respondent has again taking note of the problem faced by the petitioner, passed a diversion order dated 17.07.2017, diverting the petitioner to work at Government Primary Health centre, Woraiyur, Trichy District until further orders, therefore, it is submitted that the petitioner may not have any grievance.



6.Explaining further, the learned Additional Government Pleader submitted that during the mass transfer counselling, inadvertent mistakes may occur resulting in passing of the order like the one impugned herein, but after giving careful attention to the case of the petitioner, now modified transfer & posting order and diversion order have been passed as stated above, therefore, the writ petition may be closed, condoning the aforesaid inadvertent mistake, he pleaded.

7.In view of the modified transfer & posting order and diversion order dated 17.07.2017, the petitioner has been accommodated in the office of the 1st respondent, hence, nothing survives in this writ petition for further adjudication. Therefore, condoning the inadvertent mistake committed by the 4th respondent and placing on record the modified transfer & posting order and diversion order dated 17.07.2017, this Writ Petition is closed. No costs. The appearance of the 4th respondent is dispensed with. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

- 1.The Chief Medical Officer,
Government Primary Health centre,
Woraiyur, Trichy,
Trichy District.
- 2.The Deputy Director of Health Services,
Office of Deputy Director of Health Services,
Trichy, Trichy District.
- 3.The Joint Director of Health Services,
Office of Joint Director of Health Services,
Nagapattinam,
Nagapattinam District.
- 4.The Director of Medical and Rural Health Services,
Directorate of Medical and Rural Health Services,
Chennai -6.

+1cc to Mr.R.Sundar, Advocate, SR.68446

+1cc to M/S.Special Government Pleader, SR.68661

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