

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2018

Coram

The Hon'ble Mr.Justice Satrugghana Pujahari

Writ Petition No.21011 of 2018

A. Senbagavalli

...Petitioner

Vs.

1. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
2. The Director of Medical and Rural Health Services,
Teynampet, Chennai - 6.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 30.07.2018 and consequently, to direct the second respondent to relieve the petitioner and to direct the first respondent to accommodate the petitioner as Nursing Superintendent Grade II, Mahatma Gandhi Memorial Government Hospital, Trichy, attached to K.A.P. Vishvanathan Medical College in the existing vacancy.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mrs.P.Kavitha
Government Advocate

ORDER

Heard Mr.M.Rajendiran, the learned counsel appearing for the petitioner and Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of the respondents. With consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, while she was working as Staff Nurse, in Mahatma Gandhi Memorial Government Hospital, Trichirappalli, she was promoted to the post of Nursing Superintendent Grade -II and posted in Ariyalur District, wherein, she has already joined. However, the petitioner, after her joining in the new place of posting

against a promotional post has made representations to both the respondents on 30.07.2018 for her accommodation in the self-same Hospital, where she was working earlier, viz., in Mahatma Gandhi Memorial Government Hospital, Trichirappalli. Such representation having evoked no response, she has come to this Court seeking a writ of mandamus directing the respondents to consider her representation in this regard within a stipulated time.

3. The learned counsel appearing for the petitioner submits that the petitioner is suffering from cervical spondylosis and every day she has to travel for nearly four hours from her place of residence to the Hospital (i.e., from Trichy to Ariyalur). Due to such long travel not only her health is getting deteriorated, but also she is unable to concentrate for wellbeing of the family. Setting forth all her grievance, she has made individual representations to both the respondents seeking accommodation in the self-same Hospital, Trichirappalli, wherefrom, she has been transferred on promotion. But the same being not attended to, she has filed this Writ Petition seeking the prayer as aforesaid. He, therefore, submits to direct the first respondent to consider her representation sympathetically on humanitarian ground.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner's representation is totally devoid of merit, inasmuch as, she has already been transferred from the same place, that too, on promotion. That apart, such representation having been filed only in the recent past, the first respondent cannot be said to be guilty of inaction in consideration of the same. Hence, she submits that the Writ Petition is liable to be dismissed.

5. Considering the aforesaid facts and the submissions made, without going into the merit of the petitioner's representation as well as the case projected by the petitioner in the Writ Petition, this Court is of the view that the petitioner's prayer seeking a writ of mandamus for disposal of her representation appears to be without any substance, inasmuch as, the same was filed only in the recent past and hence, the first respondent cannot be said to be guilty of inaction for non disposal of her representation. Therefore, though this Court is not inclined to direct the first respondent to consider the representation of the petitioner within a stipulated time, however, since the representation has already been made, if the same is pending, it is hope and trust that the first respondent shall take an informed and considered decision on the same as expeditiously as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order. However, it is made clear that this order should not be construed as mandate of this Court to dispose of the representation in any

particular manner.

6. With the aforesaid order, the Writ Petition stands disposed of. No costs.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

1. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
2. The Director of Medical and Rural Health Services,
Teynampet, Chennai - 6.

+1 CC to The Govt. Pleader sr 56840.

+1 CC to Mr.M. Rajendiran, advocate sr 57013.

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PVS (CO)
SP (07/09/2018)



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