

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.19508 of 2018

T.Bhuvaneswari

....Petitioner

Vs

1. The Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai-09
2. The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Teynampet,
Chennai-600 006
3. The Director,
Director of Medical Education,
Poonamallee High Road, Kilpauk,
Chennai-10

.. Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the petitioner representation dated 25.05.2018 and transfer the petitioner from Government Namakkal Head Quarters Hospital, Namakkal to Aathur Government Hospital or Nillakottai Government Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Dindigul District which is nearest to the petitioner native place in terms of G.O.Ms.No.10 dated 07.01.1994.

For Petitioner : Mr.R.K.Gandhi

For Respondents : Mrs.P.Kavitha,
Government Advocate

ORDER

The grievance of the petitioner in this case is that she is working as Staff Nurse at Government District Head Quarters Hospital, Namakkal since 2011 as such she has made a representation on the ground of her family problem more particularly her husband is settling in Dindigul who is also a Staff Nurse, to transfer her to the hospital in Dindigul which is merely about 500 kilometers away from the present place of the petitioner. But such representation of the petitioner having not been considered in spite of the Government guidelines in G.O.Ms.No.10 Personnel and Administrative Reforms (Per-S) Department dated 07.01.1994 that where both the spouses are working, they should be preferably posted in the same place. Hence, she came to file the writ petition seeking the relief of disposal of her representation.

2. The learned counsel appearing for the petitioner submits that since the representation is pending with the second respondent since 25.05.2018, he may be directed to take a decision on the same.

3. However, the learned Government Advocate appearing for the respondents submits that the transfer season is already over therefore the representation of the petitioner cannot be considered at this stage.

4. Be that as it may, since the transfer is also not prohibited during non transfer period, if the Government so desires notwithstanding the aforesaid submission of the learned counsel for the respondents, this Court disposes of this writ petition with the direction to the second respondent to consider such representation of the petitioner in its own merit within a period of six weeks from the date of receipt of a copy of this Order, if required by taking permission of the Government for transferring the petitioner to the place where her husband is working.

5. However, it is made clear that the observation of this Court should not be construed as a mandate to dispose of the representation in any particular manner inasmuch as this Court has not heard on merit of such representation of the petitioner in any manner but the representation must be disposed of by a speaking order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Health and Family Welfare Department,
Fort St.Goerge,
Chennai-09

2. The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Teynampet,
Chennai-600 006

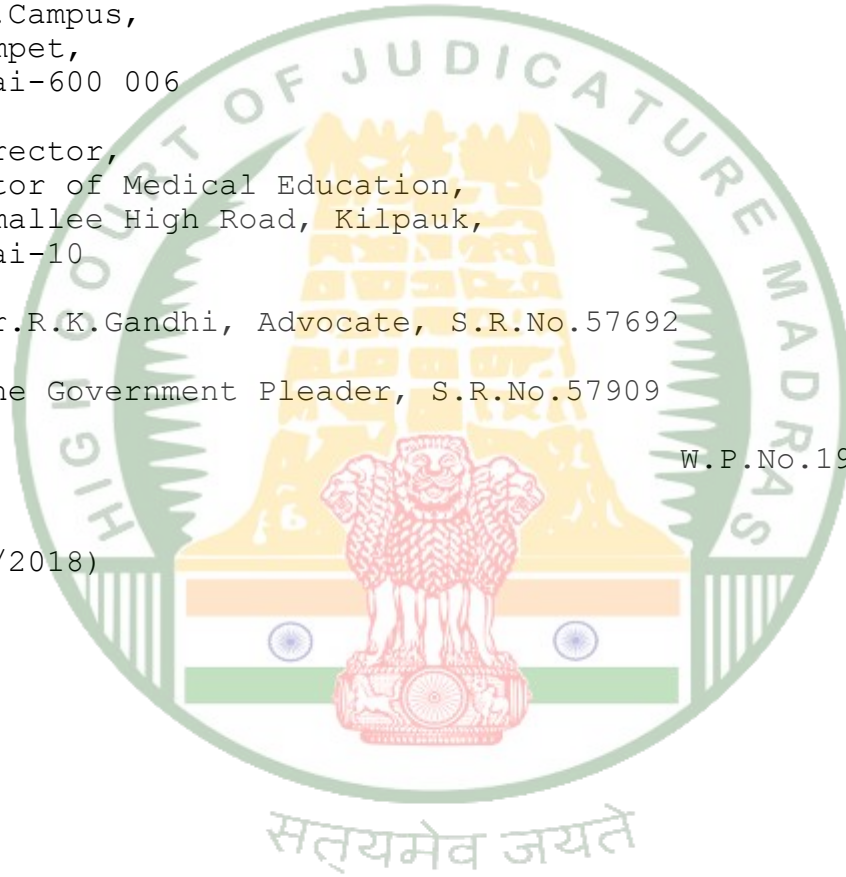
3. The Director,
Director of Medical Education,
Poonamallee High Road, Kilpauk,
Chennai-10

+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.57692

+1cc to the Government Pleader, S.R.No.57909

W.P.No.19508 of 2018

RSI (CO)
GSP (17/09/2018)



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