

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.29373 of 2018
and W.M.P.Nos.34335 and 34338 of 2018

Dr.S.Kumaravel

... Petitioner

Vs.

1. The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 9.

2. The Director of Medical and Rural
Health Service (I/c.)
No.258, DMS Complex 3rd Floor,
Anna Salai, Teynampet,
Chennai - 600 018.

3. The Joint Director of Health Services,
Thiruvavur,
Thiruvavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, to call for the records of the transfer order in Reference No.60368/E1/1/2018 dated 09.10.2018 on the file of the 2nd respondent and to quash the same.

For Petitioner

: Mr.G.Rajan

For Respondents

: Mr.R.S.Selvam,
Government Advocate

ORDER

The Petitioner Dr.S.Kumaravel, Chief Civil Surgeon at Government Women and Children Hospital, Vijayapuram was transferred to the Government Hospital, Tiruthuraiipoondi in the existing vacancy. This order of transfer is under challenge in this writ petition.

2. It is the case of the petitioner that he was on medical leave from 08.09.2017 to 27.10.2017, 01.05.2018 to 10.05.2018

and 21.05.2018 to 24.06.2018 and the order of transfer has not been served upon him.

3. A perusal of the records shows that the petitioner, who has completed MBBS, was selected as Assistant Surgeon by TNPSC and joined in the post of Assistant Surgeon at Vada Madurai Primary Health Centre, Dindigul District in the year 1991. He was promoted to the post of Chief Civil Surgeon along with 12 other medical officers in time bound promotion by proceedings dated 15.09.2014. On account of work pressure and medical ailment, the petitioner was on leave for some time and thereafter, he preferred an application for voluntary retirement with effect from 13.01.2019. Even according to the calculation made by the respondents, the cool-off period would be over by 13.01.2019. The application for voluntary retirement has been submitted by the petitioner on 07.10.2018. Pending consideration of application for voluntary retirement, transfer order has been passed, which is under challenge.

4. On instructions, the learned Government Advocate appearing for the respondents has produced a letter dated 10.11.2018, issued by the second respondent, cancelling the order of transfer on the ground that application for voluntary retirement has been submitted by the petitioner.

5. Recording the said letter that the transfer order has been cancelled, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 9.

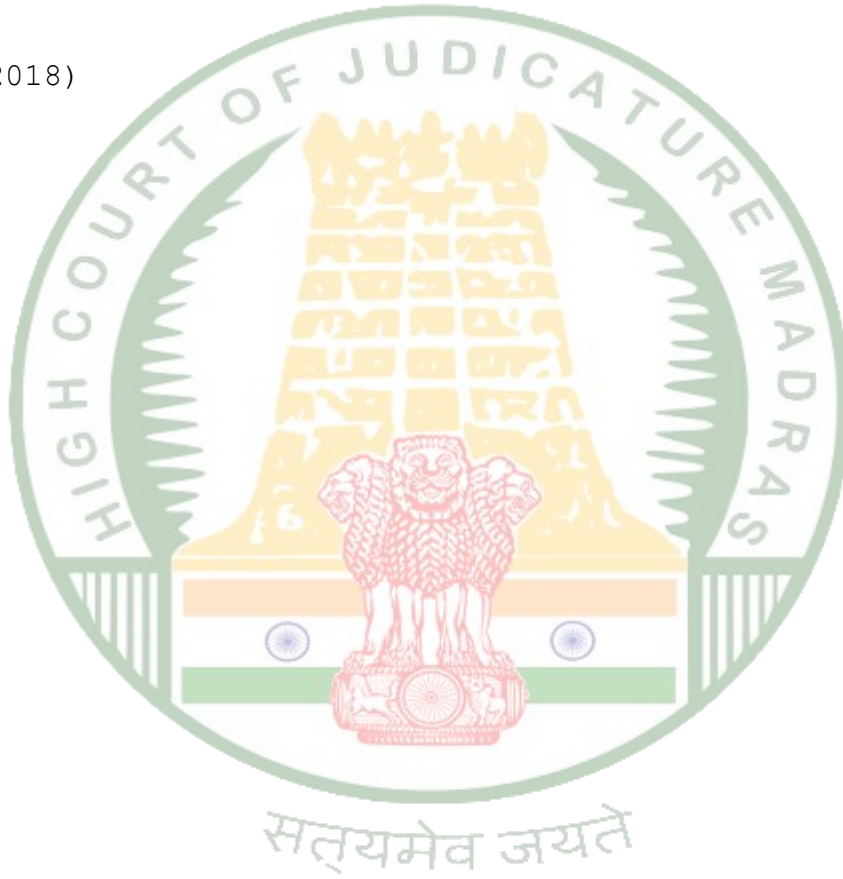
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No.258, DMS Complex 3rd Floor,
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3. The Joint Director of Health Services,
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Thiruvarur District.

+1 CC to Mr.G.Rajan, Advocate sr 77023.
+1 CC to Govt. Pleader sr 77447

W.P.No.29373 of 2018

CA (CO)
SP (04/12/2018)



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