



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P(MD)No.2820 of 2011
and
MP(MD)Nos. 2 and 3 of 2011

S.Kannagi

... Petitioner

Vs.

1. The Director,
Public Health and Preventive Medicine,
Chennai - 06.
2. The Deputy Director,
Health Service,
Government Hospital Compound,
Sankarankovil,
Tirunelveli District.
3. The Block Medical Officer,
Primary Health Centre,
Vasudevanallur,
Sankarankovil Health Unit,
Tirunelveli District.
4. The Block Medical Officer,
Primary Health Centre,
Pandalkudi Health Unit,
Virudhunagar District.

5.P.Saravanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned order passed by the 1st Respondent vide in No.R.No.14522/PHC7/A2/2011 dated on 22.02.2011, and quash the same and consequently direct the Respondents to pass the proper order to retain the present station namely Pharmacist, Primary Health Centre, Rayagiri, Sivagiri Taluk, Tirunelveli District.

For Petitioner

: No apperance

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents 1 to 4

: Mrs.VPM.Vaishnavi
Government Advocate

**ORDER**

The order of transfer issued by the first respondent in proceedings dated 22.02.2011 is under challenge in this writ petition. Further direction is sought for to retain the writ petitioner in the present station as Pharmacist in Primary Health Centre, Rayagiri, Sivagiri Taluk, Tirunelveli District.

2.The petitioner was appointed as a Pharmacist on 08.07.2005 and continuing in the said post. The order of transfer was issued transferring the writ petitioner from Primary Health Centre, Rayagiri, Sivagiri Taluk, Tirunelveli District to Primary Health Centre, Pandalkudi, Health Unit, Virudhunagar District in the existing vacancy. The only objection raised by the writ petitioner is that the order of transfer is stated to have been issued on her own request. Therefore, she is not eligible for transfer and travelling allowance. However in the reference column the application received from the writ petitioner has been referred.

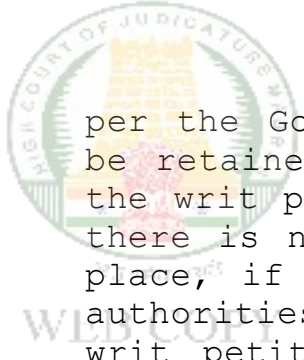
3.On a perusal of the affidavit filed in support of the writ petition shows that the transfer has been made at the choice of the writ petitioner in collusion with the authorities concerned. On perusal of the impugned order, the writ petitioner had been transferred based on the application submitted by her. The writ petitioner has stated that she had not made any written or oral request to the respondent. The request application said to have been referred in the impugned order had not been submitted by her. However, this Court is of an opinion that by virtue of an interim order granted by this Court in the present writ petition, the writ petitioner continued in the same post at Rayagiri Primary Health Centre, Tirunelveli District for more than 7 years.

4.The transfer is an incidental to service, more so, it is a condition of service. The place or post cannot be claimed as a matter of choice by a Government employee. Public servants where ever they are posted are bound to work in the interest of public administration. Grievances if any may be redressed only by way of representation to the competent authorities. In normal circumstances, the administrative transfers are bound to be obeyed by Government employees.

5.Pursuant to the interim order, the writ petition is continuing in the same post for more than 7 years. Thus, further continuance is certainly not desirable. It is for the competent authority to evaluate the circumstances and pass appropriate orders in the interest of public administration.

<https://hcservices.ecourts.gov.in/hcservices/>

6.In view of the factor, no further consideration is required in respect of the grounds raised in this writ petition. Even as



per the Government transfer policy, a Government employee has to be retained in one post for a minimum period of three years and the writ petitioner has already completed a period of 3 years and there is no bar in transferring the writ petitioner to any other place, if any decision is taken in this regard by the competent authorities. Hence, no further adjudication is required in this writ petition. Accordingly, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, MP (MD) Nos.2 and 3 of 2011 are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

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Public Health and Preventive Medicine,
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3. The Block Medical Officer,
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4. The Block Medical Officer,
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Pandalkudi Health Unit,
Virudhunagar District.

+ 1 cc TO The Special Government Pleader in SR No. 45177

dsk

AE/KKR/SAR2/15.02.2018/3P/6C

ORDER MADE IN
W.P(MD)No. 2820 of 2011
AND
M.P(MD) .No.2 & 3 of 2011
30.01.2018