



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2018

CORAM:

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

W.P. (MD) No.5330 of 2013
and
M.P. (MD) .No.1 of 2013

A.R.Ameer Parisa Begam

...Petitioner

Vs.

1.The Deputy Welfare Commissioner,
Labour Welfare Organisation,
Ministry of Labour and employment,
Government of India,
8/2-A, St. Thomas Road,
Highgrounds,
Tirunelveli-11,
Tirunelveli District.

2.The Welfare and Cess Commissioner,
Labour Welfare Organisation,
Ministry of Labour and employment,
Government of India,
Kendriya Saden,
Sulthanbazar,
Koti,
Hyderabad-95,
Andrapradesh.

...Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the second respondent in his letter NO.5 (66) A/2004 dated 21.03.2013 forwarded by the first respondent and all the consequential further proceedings regarding the transfer of the petitioner and to quash the same and forbearing the respondents from giving effect to or enforce the said impugned proceedings.

For Petitioner : Mr.V.Kannan
(No appearance)

For 2nd Respondent : Mr.S.Pillaimonicantan
CGSC for RR1&2

ORDER



2.The order of information provided to the writ petitioner that the regular transfer order will be issued immediately after the completion of the academic year in proceedings dated 21.03.2013 is under challenge in this writ petition.

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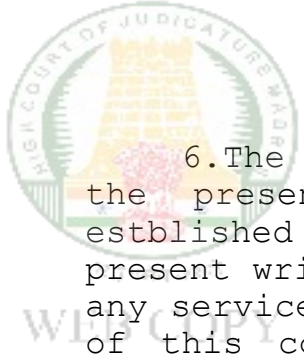
3.The writ petitioner was appointed as a medical officer on 07.02.1987. Thereafter, he was transferred and posted as medical officer in the dispensary at Tenkasi. The writ petitioner is working in the Ministry of Labour and Employment, Government of India and as a medical officer, she is bound to serve wherever she is posted. The respondent issued the impugned proceedings on 21.03.2013 stating as follows:

"It is understood that you are working at Tirunelveli District for more than 15 years and at present you are working as CMO I/C Central Hospital, Mukkudal.

As we have opened a new Hospital at Sircilla, Karimnagar District, Andhra Pradesh we require the services of a Senior Regular Lady Medical Officer to be posted at Sircilla Hospital. Regular transfer orders will be issued immediately after completion of academic year. You are requested to prepare yourself for the transfer."

4.The authorities competent found that the writ petitioner was continuing in the same District namely, Tirunelveli District for more than 15 years and therefore she has to be transferred on administrative grounds. When a public servant is continuing in the same District for about 15 years then this Court is of an opinion that the transfer to other place is certainly required and there is no infirmity as such in respect of the decision taken by the respondent to transfer the writ petitioner to some other place.

5.This apart the impugned order is not even a transfer order. The impugned order states that regular transfer will be issued after completion of the academic year. Thus the writ petitioner atleast ought to have been approached the competent authorities, if at all she is willing to redress any of her grievance. Even without submitting any representation in this regard, the writ petitioner has chosen to file a present writ petition challenging the order, which was issued in the nature of an information to the writ petitioner that he will be issued with the regular transfer on completion of the academic year. If such the information is entertained by way of writ petition under article 226 of the Constitution of India, then, it will amount to an interference with the day to day administration of the state. This court cannot encourage such an attitude of the public servant in challenging information provided in order to prepare the Government servant to work in some other place, after completion of the academic year.



6.The writ petitioner has not established any cause for filing the present writ petition. This apart the writ petitioner has not established even a semblance of legal right so as to entertain the present writ petition. The order impugned is not an order affecting any service rights of the writ petitioner. This being the opinion of this court no further adjudication is required in this writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, M.P.(MD).No.1 of 2013 is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

+1cc to Mr.S.Pillaimonicantan, Advocate, SR.No.51520.

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and

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23.02.2018

VSG/TA

RAM/SV MMS/SAR 1/14.05.2018/3P/2C