

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.A. No. 1383 of 2019
&
C.M.P. No. 9547 of 2019

Mrs.Geetha

...Appellant/ Petitioner

.Vs.

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

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

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

..Respondents/Respondents

Prayer: Writ Appeal as against the order dated 12
February, 2019 in W.P. No. 3992 of 2019.

Prayer in W.P. No. 3992 of 2019: - This Writ Petition is
filed under Article 226 of the Constitution of India, praying for
the issue of a Writ of Certiorari, to call for the records in
connection with the proceedings in Na.Ka.71315/CMEB2/2018/ dated
28.01.2019 of second Respondent and quash the same.

For Appellant :: Mr.R.K. Gandhi

For Respondents:: Mrs.A. Srijayanthi,
Special Govt. Pleader

J U D G M E N T

The appellant was transferred from Vedasanthur Government Hospital, Dindigul to Government Headquarters Hospital, Namakkal by order dated 28 January, 2019. The said order was unsuccessfully challenged before the Writ Court. The learned Single Judge dismissed the writ petition primarily on the ground that transfer is an incident of service. Feeling aggrieved, the appellant has come up with the intra-court appeal.

2. The appellant has been working at Dindigul from 2016 onwards. Earlier, she was continuously working at Namakkal. The appointment of the appellant as a Staff Nurse was in relation to Namakkal District. It is only by way of 'Diversion' she was sent to Vedasanthur Government Hospital, Dindigul. The authorities found that several Staff Nurses have been working by 'Diversion' and therefore a comprehensive order was passed on 28 January, 2019, reverting all such Staff Nurses to their parental place. The name of the appellant was also included in the order dated 28 January, 2019. It was the said order which was impugned before the Writ Court.

3. When it was pointed out as to how the appellant could take up a contention that she should be retained at Dindigul itself, instead of going back to her parental place, the learned counsel for the appellant submitted that he is withdrawing the appeal with liberty to submit a representation to the second respondent, for reconsideration of the order.

4. We are informed that the appellant has already joined the service at Government Headquarters Hospital at Namakkal pursuant to the order dismissing the writ petition. We give liberty to the appellant to submit a representation for transfer to the second respondent. In case, any such representation is given, the same shall be considered and disposed of by the second respondent on its own merits.

5. However, it is made clear that the appellant shall continue to work at Namakkal till a decision is taken by the second respondent.

6. The intra-court appeal is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

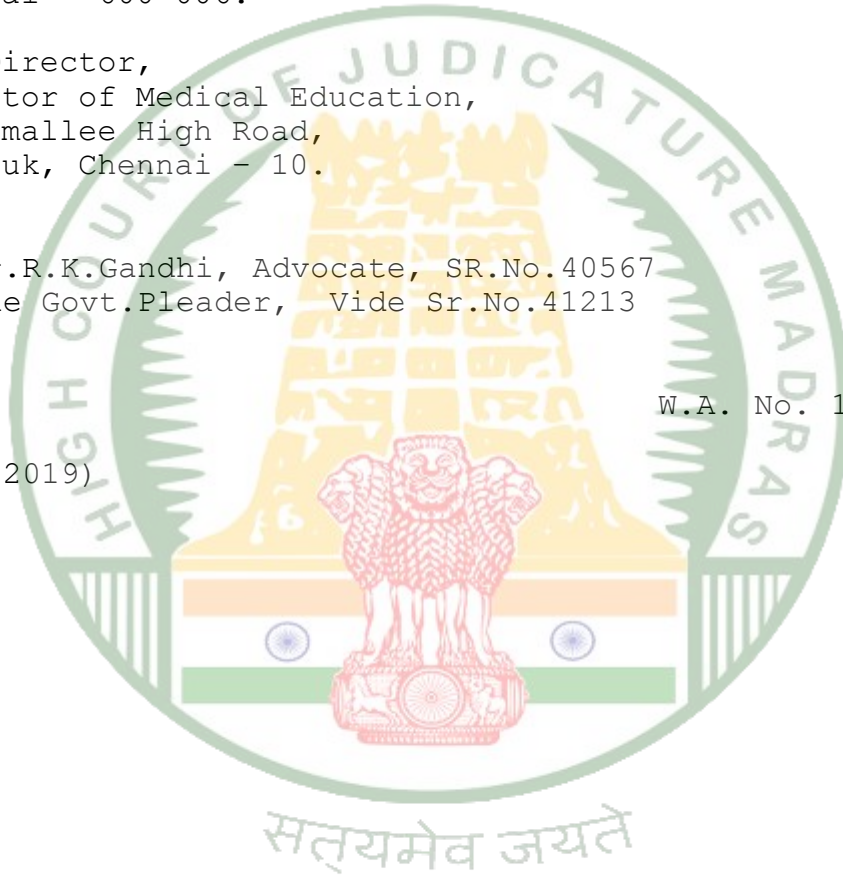
To

1. The Secretary,
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+1cc to Mr.R.K.Gandhi, Advocate, SR.No.40567
+1cc to the Govt.Pleader, Vide Sr.No.41213

W.A. No. 1383 of 2019

Kak (05/07/2019)



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