

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28584 of 2019

and W.M.P.No.28327 of 2019

Dr.M.Indumathi

..Petitioner

vs

1.The State of Tamil Nadu
Rep. by the Principal Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St. George
Chennai-600 009.

2.The Director of Medical Education
Office of the Directorate of Medical Education
Kilpauk, Chennai-600 010.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the case of the petitioner in the light of the Office Memorandum vide F.No.42011/3/2014-Estt. (Res) - Government of India - Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training (North Block, New Delhi) dated 08.10.2018 while implementing G.O.(4D) No.2 (Health and Family Welfare (A1) Department) dated 15.02.2019.

For Petitioner : Mr.S.Yudhish Padman
For R1 : Mr.R.S.Selvam
Government Advocate
For R2 : Mr.V.Kadhirvelu
Special Government Pleader

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to consider the case of the petitioner in the light of the Office Memorandum vide F.No.42011/3/2014-Estt. (Res) - Government of India - Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training (North Block, New Delhi) dated 08.10.2018 while implementing G.O.(4D) No.2 (Health and Family Welfare (A1) Department) dated 15.02.2019.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the 1st respondent and learned Special Government Pleader appearing for the 2nd respondent. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is a Doctor and now she is working as a Tutor/Assistant Professor in the Department of Physiology at Government Stanley Medical College and Hospital, Chennai. The daughter of the petitioner is suffering from Autism Spectrum Disorder with 45% mental disability and the petitioner is her primary care taker. It is the further case of the petitioner is that now the respondents are trying to transfer the petitioner in contravention of G.O. (4D) No.2 (Health and Family Welfare (A1) Department) dated 15.02.2019, which is also contrary to Office Memorandum vide F.No.42011/3/2014-Estt. (Res) - Government of India - Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training (North Block, New Delhi) dated 08.10.2018. Therefore, the petitioner made a representation to the 2nd respondent on 16.09.2019. However, the petitioner's representation was not considered by the respondents till date. Hence, this writ petition.

4. Learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 16.09.2019 and pass appropriate orders on merits within reasonable time.

5. Considering the limited request made by the learned counsel for the petitioner, this Court hereby directs the 2nd respondent to consider the representation of the petitioner dated 16.09.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CSIV)

True Copy

Sub-Assistant Registrar

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To

1.The Principal Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St. George
Chennai-600 009.

2.The Director of Medical Education
Office of the Directorate of Medical Education
Kilpauk, Chennai-600 010.

+1 cc to Mr.S.Yudhish Padman Advocate sr83566

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