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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.32894 of 2019

Mrs.M.Sivaselvam

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Petitioner

Vs

1 The Secretary
Health and family Welfare Dept.,
Fort St. George,
Chennai-09

2.The Director,
Medical and Rural Health Services,
D.M.S.Campus,
Teynampet,
Chennai 600 006.

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

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, to direct the respondents to consider the petitioners representation dated 07.11.2019 and transfer the petitioner from Rajivgandhi Government Hospital, Chennai Central, Chennai 03 to the ESI Dispensary Thoothukkudi or Government Medical College Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Thoothukkudi District which is nearest to the petitioner's native place.

For Petitioner : Mr.R.K.Gandhi

For Respondent : Mr.A.N.Thambidurai.

Special Government Pleader.



O R D E R

1. The present writ petition has been filed by the petitioner praying for the issuance of Writ of Mandamus, to direct the respondents to consider the petitioners representation dated 07.11.2019 and transfer the petitioner from Rajivgandhi Government Hospital, Chennai Central, Chennai-03 to the ESI Dispensary Thoothukkudi or Government Medical College Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Thoothukkudi District which is nearest to the petitioner's native place.
2. Heard both sides.
3. According to the petitioner, the petitioner is working as staff nurse at Rajivgandhi Government Hospital, Chennai Central, Chennai-03 and she is native of Thoothukkudi district and her husband and her children are staying in Thoothukkudi district. Therefore, she made a representation on 07.11.2019, for transferring her from Rajivgandhi Government Hospital, Chennai Central, Chennai-03 to the ESI Dispensary Thoothukkudi or Government Medical College Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Thoothukkudi District which is nearest to the petitioner's native place. Since, despite her representation, there was no action forthcoming, the petitioner is before this Court.
4. The learned counsel for the petitioner would submit that though the petitioner made a representation on 07.11.2019 seeking to transfer the petitioner from Rajivgandhi Government Hospital, Chennai Central, Chennai-03 to the ESI Dispensary Thoothukkudi or Government Medical College Hospital or any one Government Hospital or any one of Urban Primary Health Centers at Thoothukkudi District which is nearest to the petitioner's native place. He would submit that without going into merits of the case since the representation made by the petitioner has been pending without any progress it would suffice if this Court directs the respondent and to consider and dispose of the representation made by the petitioner in accordance with law.
5. Mr. A. N. Thambidurai, learned Special Government Pleader appearing for the respondent while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner would be disposed of in accordance with law.



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6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue a direction to the respondents to consider the representation dated 07.11.2019 made by the petitioner and dispose of the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

jrs

To

1 The Secretary

Health and family Welfare Dept.,
Fort St. George,
Chennai-09

2. The Director,

Medical and Rural Health Services,
D.M.S. Campus,
Teynampet,
Chennai 600 006.

3. The Director,

Director of Medical Education,
Poonnamalle High Road,
Kilpauk,
Chennai-10.

+1cc to Mr. R.K. Gandhi, Advocate SR.No. 98164

+1 cc to Government Pleader Sr.No. 98415

W.P.No.32894 of 2019

A.SK(26/11/2019)