

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.01.2019

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 34431 OF 2018

M.Jayakumar

.. Petitioner

- Vs -

The Director of Public Health
and Preventive Medicine
Chennai 600 006.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondent to consider and pass appropriate orders on the representation of the petitioner dated 6.12.2018 regarding the request transfer to Kadambur Primary Health Centre at Koilpatti.

For Petitioner : Mr. S.Selvathirumurugan

For Respondents : Mr. R.S.Selvam, GA

ORDER

The petitioner, who is on the verge of retirement is seeking transfer on three grounds, viz.,

- (i) To perform the marriage of his daughter;
- ii) To take care of his ailing mother; and
- iii) There is an arising vacancy at Kadambur Primary Health Centre at Koilpatti.

2. Mr.Selvam, learned Government Advocate takes notice for the respondent and vehemently opposed the filing of the writ petition on the ground that originally a writ petition was filed in W.P. No.6337/2014, which was dismissed at the stage of admission itself holding that transfer was on administrative grounds. Challenging the same, the petitioner preferred W.A. No.504/2014, which is pending. Therefore, it is submitted by the learned Government Advocate that the course open to the petitioner is only to pursue the writ appeal and not by filing another writ petition.

3. No doubt, the earlier writ petition was dismissed on the ground that transfer was on administrative grounds, against which writ appeal is pending. That writ petition related to a transfer order already passed. But, the present writ petition is with regard to seeking transfer on the grounds stated above. Since the petitioner is on the verge of retirement and for certain other reasons stated above, the writ petitioner has filed representation to consider his case for transfer to Kadambur Primary Health Centre, Koilpatti.

4. Having regard to the cause of action, which is different from the one, which was pursued before, this Court is of the view that it would be suffice to direct the respondent to consider the representation dated 6.12.2018, submitted by the petitioner within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondent to consider the representation dated 6.12.2018, submitted by the petitioner and pass orders thereon, in accordance with law within a period of four weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

GLN
To
The Director of Public Health
and Preventive Medicine
Chennai 600 006.

+1cc to Mr.S.Selvathirumurugan , Advocate SR.No. 1248

+1 CC TO GOVERNMENT PLEADER SR.NO. 1461

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A.SK(08/02/2019)

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