



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2019

CORAM:

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

W.P. (MD) No. 9979 of 2015

and

M.P. (MD) No. 2 of 2015

D.Roop Singh Robinson Rajkumar

... Petitioner

Vs

1. The Project Director/Member Secretary,
Tamil Nadu State AIDS Control Society,
Chennai - 8.

2. The Chief Medical Officer,
Government Taluk Hospital,
Melur,
Madurai District.

3. Ranjith Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order of re-deployment in Proc. No.002639/E2/BSID-ICTC/TANSACS/2015, dated 04.06.2015 on the file of the respondent no.1 and quash the same as illegal to the extent of transferring the petitioner from Melur, Madurai District to Sivagangai, Sivagangai District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent No.1 : Mr.M.Loganathan

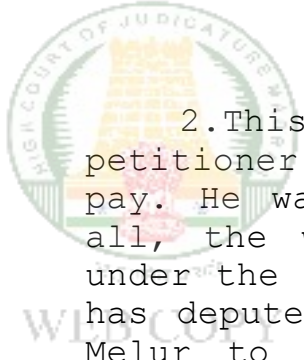
For Respondent No.2 : Mr.M.JeyaKumar

Additional Government Pleader

For Respondent No.3 : Mr.R.Murali

ORDER

The order impugned dated 04.06.2015 states that the writ petitioner was re-deployed from Integrated Counseling and Testing Centre, Government Head Quarters Hospital, Melur to Integrated Counseling and Testing Centre, Government Medical College, Sivagangai. The writ petitioner was employed as a Counsellor on consolidated pay on temporary basis. This apart, the writ petitioner was employed by the Tamil Nadu State AIDS Control Society and the Project Director who is in-charge of the Society, deputed the writ petitioner to serve at Sivagangai in the interest of the scheme.



2.This Court is of the considered opinion that the writ petitioner is the temporary employee and appointed on consolidated pay. He was deputed on certain administrative grounds and if at all, the writ petitioner is interested to serve in the scheme under the Society, he is at liberty to join in the place where he has deputed. This apart, the writ petitioner is transferred from Melur to Sivagangai which is not far away and therefore, the petitioner has to take decision in this regard either to join at Sivagangai or not. However in respect of such deputation done on administrative grounds would not confer any right on the petitioner to claim that he must be allowed to serve in the same place. The Project Director is the Competent Authority to decide such administrative policies in the interest of the Society as well as to implead the scheme effectively. The deputation is an administrative exigency and therefore, the writ petitioner would not be considered as the aggrieved person in the eye of law.

3.Accordingly this writ petition is dismissed. No Costs. Consequently, M.P.(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

pnn/mrn

To

The Chief Medical Officer,
Government Taluk Hospital,
Melur,
Madurai District.

+ 1 CC TO Mr.T.Lajapathi Roy, ADVOCATE IN SR No.68995
+ 1 CC TO Mr.M.Loganathan, ADVOCATE IN SR No.69153

W.P. (MD)No.9979 of 2015

14.06.2019

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