



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.07.2019
CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WEB COPY

W.P. (MD) No.6765 of 2019
and
W.M.P. (MD) Nos.5404 & 5405 of 2019

G.Karthiga ...Petitioner

Vs.

1.The Director of Medical and Rural Health Services
Directorate of Rural and Health Services,
State of Tamil Nadu,
258, Second Floor, DMS Complex,
Anna Salai,
Thenampettai,
Chennai.

2.The Director Medical Education,
Directorate of Medical Education,
State of Tamil Nadu,
162, EVR Periyar Salai,
Keelpakkam,
Chennai.

3.The Joint Director of Health Services,
Office of the Joint Director of Health Services,
Usilampatti,
Madurai.

4.The Chief Medical Officer,
Government Hospital,
Thirumangalam,
Madurai.

5.The Dean,
Government Thanjavur Medical College Hospital,
(Multi Super Specialty Block),
Thanjavur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the posting order dated 09.03.2019 in Ref.N.12532/N2/2019-433 passed by the first respondent to quash the same insofar as it relates to posting the petitioner at Respondent No.5 hospital, consequently directing the respondent No.4 to recall the relieving order dated 18.03.2019 in



Ref.No.360/E/2019 and also to direct the respondents to absorb her services in the present place of work itself.

For Petitioner : Mr.S.Malaikani
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

WEB COPY

ORDER

This Writ Petition has been filed to quash the posting order dated 09.03.2019 passed in Ref.N.12532/N2/2019-433 by the first respondent and to direct the fourth respondent to recall the relieving order dated 18.03.2019 made in Ref.No.360/E/2019 and also to direct the respondents to absorb the petitioner's service in the present place of work.

2.The case of the petitioner is that by order dated 19.09.2015, she was appointed as Nurse and subsequently, by order dated 03.04.2018, she was transferred to the fourth respondent Hospital and also joined the fourth respondent Hospital. For the service of the petitioner in the fourth respondent Hospital, she was also given regular scale of pay and subsequently, she was transferred to the fifth respondent Hospital and she joined the said place. However, in the present place of work, the petitioner's service has not been taken as regular scale of pay and hence, the petitioner is before this Court for seeking the relief as stated above.

3.Earlier, the learned Additional Government Pleader appearing for the respondents submitted that a vacancy is available at Thirumangalm, Madurai Taluk. But on verification, there is no vacancy. Thereafter, the petitioner stated before this Court that she is agreed to join duty at Thanjavur District if any vacancy is available there. Therefore, the matter has been adjourned today for getting instructions from the department concerned.

4.Today, the learned Additional Government Pleader informed before this Court that at present, there is one vacancy available at Government Thanjavur Medical College Hospital, (Multi Super Speciality Block), Thanajvur. Regarding the same, when this Court has questioned the petitioner, she is agreed to join duty in the aforesaid place.

5.In view of the above, this Court is inclined to pass the following order:

(i) the respondent concerned is directed to accommodate the petitioner in the 5th respondent Hospital;

<https://hcservices.ecourts.gov.in/hcservices> *the respondents are directed to pass appropriate orders on merit and in accordance with law to take into account the period of service of the petitioner from the*



date of his relieving from the fourth respondent hospital, till he accommodates in the aforesaid place for all purposes; and

(iii) the petitioner is directed to join duty in the fifth respondent hospital immediately;

6.This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Director of Medical and Rural Health Services
Directorate of Rural and Health Services,
State of Tamil Nadu,258, Second Floor, DMS Complex,
Anna Salai,Thenampettai,Chennai.
- 2.The Director Medical Education,Directorate of Medical Education,
State of Tamil Nadu,162, EVR Periyar Salai, Keelpakkam,
Chennai.
- 3.The Joint Director of Health Services, Office of the Joint
Director of Health Services,Usilampatti,Madurai.
- 4.The Chief Medical Officer, Government Hospital,Thirumangalam,
Madurai.
- 5.The Dean, Government Thanjavur Medical College Hospital,
(Multi Super Specialty Block), Thanjavur.

+1cc to Mr.S.MALAIKANI,Advocate, SR.No.74354

+1cc to the Spl.Govt.Pleader Sr.No.74471

mm

W.P. (MD) No.6765 of 2019
09.07.2019

NA (29.07.2019) 3P : 8C