



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.5856 to 5858 of 2015

and

M.P. (MD)Nos.2, 2, 2, 3, 3 and 3 of 2015

Baskaran	...	Petitioner in W.P.(MD)No.5856 of 2015
Elavarasan	...	Petitioner in W.P.(MD)No.5857 of 2015
Julien	...	Petitioner in W.P.(MD)No.5858 of 2015

-Vs-

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health and Family Department,
Fort St. George, Chennai.
- 2.The Director of Medical Education,
Office of the Directorate of Medical Education,
Kilpakkam, Chennai.
- 3.The Dean,
Thiruvavoor Government Medical College Hospital,
Thiruvavoor, Tiruvavoor District.
- 4.The Dean,
Mahadma Gandhi Memorial Government Hospital,
Trichy.

5.Meenatchi Sundaram ... Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records connected with the impugned deputation order in R.C.No.1722/E2/2015 dated 08.04.2015 on the file of the respondent No.3 relating to depute the petitioners into respondent No.4 hospital from respondent No.3 hospital and quash the same as illegal, consequently, to direct the respondents to allow the petitioners to work in respondent No.3 hospital.

For Petitioner : Mr.R.Alagumani
(in all Writ Petitions)



For R1 to R4 : Mr.D.Muruganantham,
(in all Writ Petitions) Additional Government Pleader.

For R5 : No Appearance
(in all Writ Petitions)

WEB COPY

COMMON ORDER

The order of deputation dated 08.04.2015 is under challenge in the present Writ Petitions.

2.The writ petitioners, who are the staff nurses, were deputed to Mahadma Gandhi Memorial Government Hospital, Trichy and accordingly, relieved on account of certain administrative exigencies.

3.Deputation is a service condition. The Medical Department employees are deputed on account of certain emergency circumstances and due to administrative exigencies. The order of deputation cannot be challenged in a routine manner. Only if the deputation is made on mala fide ground or without jurisdiction, then alone the same can be questioned and not otherwise. When the deputation itself is a service condition and the writ petitioners being staff nurses working in the Medical Department, are bound to serve in the interest of public at large and for the welfare of the public administration. Thus, mere deputation on certain administrative exigencies cannot be a ground for quashing the deputation itself. This apart, the deputation order was passed in the year 2015 and now, after a lapse of four years, no further consideration is required. If at all any personal grievances exist to the writ petitioners, it is left open to the writ petitioners to approach the competent authorities for the purpose of redressing the same. However, the deputation order cannot be interfered with, as the deputation is a part of service condition and any Government employee deputed on administrative ground is bound to join and work in the interest of public administration.

4.This being the principles to be followed, the impugned order did not suffer from any infirmity. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Principal Secretary,
State of Tamil Nadu,
Health and Family Department,
Fort St. George, Chennai.
 - 2.The Director of Medical Education,
Office of the Directorate of Medical Education,
Kilpakkam, Chennai.
 - 3.The Dean,
Thiruvārūr Government Medical College Hospital,
Thiruvārūr, Tiruvārūr District.
 - 4.The Dean,
Mahadma Gandhi Memorial Government Hospital,
Trichy.
- +1 CC to M/s.SPL GP (SR-83210[F] dated 22/08/2019)

W.P. (MD) Nos.5856 to 5858 of 2015
21.08.2019

Myr
JMN(05.09.2019) 3P : 6C