



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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W.P.No.876 of 2020 and W.M.P.Nos.1053 and 1055 of 2020

J.Sakunthala

...Petitioner

Vs.

1. The Director,
Public Health and Preventive Medicine,
Thenampet, Chennai.
2. The Deputy Director,
O/o. Deputy Director of Health Service,
Thiruvannamalai District.

..Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondents pertaining to the reliving order vide Na.Ka.No.15904/PTho.3/Iru.2/2018 by the 1st respondent dated 12.12.2019 which was issued to the petitioner on 16.12.2019 and Na.Ka.No.4848/A5/2019-2 by the 2nd respondent dated 16.12.2019 and quash the same and consequently to direct the 2nd respondent to consider the petitioner's representation dated 17.12.2019 to retain the petitioner in service in the light of the order passed by the Hon'ble Judge of the Division Bench of the Hon'ble High Court in W.A.No.3809 of 2019 and consequently to direct the 2nd respondent to retain the petitioner in service.

For Petitioner : Mr.Radhakrishnan for
U.Anunitha Ragupathi

For Respondents : Mrs.K.Bhuvaneswari
Additional Government Pleader

O R D E R

By consent, this writ petition is taken up for final disposal.

This writ petition has been filed challenging the transfer order and the reliving order passed by the respondents.

2. The transfer order became a subject matter of challenge in an earlier writ petition that was filed by the petitioner in WP No.18233 of 2019. This Court by an order dated 23.09.2019 was not inclined to interfere with the transfer order and



accordingly, the writ petition was dismissed. The petitioner was given liberty to make a fresh representation after six months, seeking for re-transfer and the respondents were also directed to consider the same. This order was challenged in W.A.No.3809 of 2019 and the Division Bench of this Court confirmed the order passed by the Learned Single Judge by an order dated 14.11.2019.

3. The grievance expressed by the petitioner is that the petitioner has already made a representation to the competent authority to review the transfer order and since the same has not been considered, the present writ petition has been filed before this Court challenging the transfer order once again.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. This Court has already applied its mind on the transfer order passed by the respondents and thought it fit not to interfere with the same. This Court also granted liberty to the petitioner to make a representation for the review of the transfer order. The petitioner has not yet joined the transferred place in view of her health ailment and domestic problems. The transfer order was passed as early as on 09.06.2019 and the petitioner is yet to join the transferred place inspite of being relieved by the 2nd respondent by his proceedings dated 16.12.2019.

6. This Court cannot again go into the merits of the case and therefore, the reliving order passed by the 2nd respondent cannot be interfered. It is always open to the petitioner to go and join the transferred place and thereafter, make a representation to the respondents seeking for reviewing the transfer order and for re-transfer. The Division Bench of this Court has already made it clear that the petitioner can move such a representation. Except giving this liberty, no further orders can be passed in this present writ petition.

7. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

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1. The Director,
Public Health and Preventive Medicine,
Thenampet, Chennai.
 2. The Deputy Director,
O/o. Deputy Director of Health Service,
Thiruvannamalai District.
- +1 CC to U.Anunitha Ragupathi, Advocate sr 3378
+1 CC to Govt. Pleader sr 4367.

W.P.No.876 of 2020

GJ(CO)
SP(24/01/2020)