

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1736 of 2020
and WMP No.2015 of 2020

K.Sivagnanam

Petitioner

vs.

1. The Director of Medical and Rural Health Service,
Tenampettai,
Annasalai,
Chennai - 600 006.
2. The Joint Director of Health Service,
Govt Head Quarters Hospital Campus,
Dharapuram Road,
Tiruppur - 641 601.
3. The Assistant Accounts Officer,
Regional Audit Party,
Collectorate,
Tiruppur - 641 604.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorari, calling for the records pertaining to the impugned order of transfer in Ref.No.74260/E2/2019-3 dated 13.12.2019 issued by the 1st respondent and quash the same.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.K.Parameswaran
Government Advocate for R1 & R2

O R D E R

This petition has been filed challenging the impugned order of transfer passed by the 1st respondent by his proceedings dated 13.12.2019.

2.It is seen that the petitioner was working as an Assistant and in the year 2016 he was transferred to the office of the Regional Audit. On 13.12.2019, the impugned order of transfer has been passed whereby, the petitioner has been transferred and posted as an Assistant in the Government Hospital, Erode. It is seen from the transfer order that it is passed on administrative

ground. Challenging the same, the present writ petition has been filed before this Court seeking for appropriate direction.

3.Heard Mr.K.Thilageswaran, learned counsel appearing on behalf of the petitioner and Mr.K.Parameswaran, learned Government Advocate appearing on behalf of the 1st and 2nd respondents.

4.The grievance of the petitioner is that while he was working along with Audit Party, he had pointed out certain irregularities and that is why he was stopped from doing the work and he was made to return back to his original office on 04.12.2019 and subsequently, the impugned order of transfer was passed on 13.12.2019.

5.The transfer has been made on administrative ground and this Court cannot interfere with such an order, unless, this Court finds that the order has been passed without any jurisdiction or it is punitive in nature or there is malafide intention in passing such an order. This Court does not find any such ground in the present case. Therefore, this Court cannot interfere with the order of transfer that has been passed by the 1st respondent.

6.The petitioner has expressed some difficulties on the domestic front due to this transfer. The petitioner can join the transferred place and thereafter, he can always make a representation to the respondents expressing his difficulties and seek for re-transfer and it is left open to the respondents to consider the same on its own merits.

7.In the result, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssr

To

1. The Director of Medical and Rural Health Service,
Tenampettai,
Annasalai,
Chennai - 600 006.

2. The Joint Director of Health Service,
Govt Head Quarters Hospital Campus,
Dharapuram Road,
Tiruppur - 641 601.

3. The Assistant Accounts Officer,
Regional Audit Party,
Collectorate,
Tiruppur - 641 604.

+1cc to Mr.K.Thilageswaran, Advocate, SR.No.7138.

+1cc to Government Pleader, SR.No.7228.

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and WMP No.2015 of 2020

KK (CO)
CSR:25.02.2020



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