

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.487 of 2020
and C.M.P.No.7212 and 7302 of 2020

G.Krishnaveni

.. Appellant

-vs-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Dept.,
Fort St. George, Madras 9.

2.The Joint Commissioner (Health)
Greater Chennai Corporation,
Ripon Buildings, Chennai-3.

... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 20.05.2020 passed in W.P.No.7700 of 2020 on the file of this Court.

Prayer in WP.No.7700 of 2020:Petition filed under article 226 of the Constitution of India, praying to issue a writ of certiorarified Mandamus to Call for the records in proceedings dated 1.5.2020 passed by the 2nd respondent in Na.Ka. No.F5/0521/ 2020 by quashing the same and consequently direct the 2nd respondent to permit the petitioner to continue her services as Maternal Child Health Officer in the Adyar Medical Zone.

For Appellant

: Mr.V.Raghavachari

For Respondents

: Mr.S.Kamalesh Kannan
Govt. Advocate for R-1

: Mr.K.Raja Srinivas
Standing Counsel for R-2

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

After the matter was heard at length, Mr.V.Raghavachari, learned counsel for the appellant, on instructions, states that he may be permitted to withdraw the appeal, subject to the removal of costs imposed on the appellant.

2.In view of the said submission raised, we find that the issue of transfer was raised on account of a bonafide belief that the transfer order was invalid and therefore, it cannot be said that the petition was filed with some ulterior motive. Consequently, we do not find any justification for imposition of costs. We, however, uphold the order of transfer, but, we set aside the imposition of costs of Rs.25,000/-.

The Writ Appeal is, accordingly, disposed of. No costs. Consequently, C.M.P.Nos.7212 and 7302 of 2020 are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra
To

1.The Principal Secretary to Govt. of Tamil Nadu,
Health and Family Welfare Dept.,
Fort St. George, Madras 9.

2.The Joint Commissioner (Health)
Greater Chennai Corporation,
Ripon Buildings, Chennai-3.

W.A.No.487 of 2020

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