



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P.(MD) No.3834 of 2021

and

W.M.P(MD) Nos.3053, 3055 and 3056 of 32021

R.Thilagavathy Jeyaraj

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Health and Family Welfare
Fort St.George, Chennai-600 009.

2.The Director of Medical and Rural
Health Services, Chennai-600 006.

3.The Director of Medical Education,
162, Poonamalle High Road,
Kilpauk, Chennai-600 010.

4.Tmt.Valarmathy,
The Secretary,
Tamil Nadu Government Nurses Association,
Government Raja Mirasuthar Hospital,
Thanjavur, Thanjavur District.

5.Shri S.Sankaranarayanan,
Nursing Superintendent Grade-II,
Government Sivagangai Medical College Hospital,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the second respondent Director of Medical and Rural Health Services vide Ref.No.3078/N2/2/2021 dated 02.02.2021 accommodating the fifth respondent in the Government Rajaji Hospital, Madurai by way of transfer within one year, quash the same and further direct the second respondent to accommodate the petitioner as Nursing Superintendent Grade-II in the Government Rajaji Hospital, Madurai, considering her seniority.



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For Petitioner : Mr.Veerakathiravan
for Mr.S.Xavier Rajini

For R-1 to R-3 : Mrs.J.Padmavathi Devi,
Special Government Pleader

For R-4 and R-5 : No appearance

O R D E R

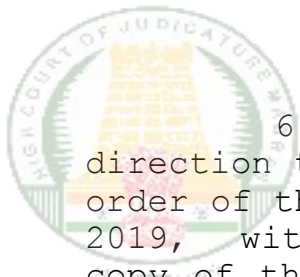
The petitioner herein, who is working as a Nursing Superintendent Grade-II in the Government Hospital, T.Vadipatti, Madurai District, seeks for a transfer to Government Rajaji Hospital, Madurai. When her grievances were not addressed earlier, this Court, by its order dated 03.01.2020, passed in W.P(MD) No. 23583 of 2019, had directed the respondents to consider her representation dated 23.09.2019, on its own merits and pass appropriate orders in accordance with law, within a stipulated time.

2.The learned Senior Counsel for the petitioner submitted that inspite of the direction of this Court, the petitioner's request for transfer to Government Rajaji Hospital, Madurai has not been considered.

3.It is settled proposition of law that the Government servants cannot seek for a place of their choice by way of transfer. Nevertheless, whenever a request is made either on health ground or for other acceptable reasons, it would be desirable for the concerned Authority to consider such a request, sympathetically. In the instant case, this court had taken note of this fact and directed the respondents to consider the petitioner's representation, which has not been done till date.

4.The learned Senior Counsel for the petitioner submitted that the petitioner suffers from a spinal cord ailment and further, her family is situated in Madurai and on this ground, the representation was made. It is a further submission that the other hospital staffs have been transferred and posted at Madurai, overlooking her request.

5.As stated earlier, though no right is vested with the petitioner to seek for transfer to Madurai, it would be appropriate if the respondents are directed to comply with the earlier order of this court and dispose of the representation, sympathetically.



6. In the light of the above observation, there shall be a direction to the second respondent herein to comply with the earlier order of this court dated 03.01.2020, passed in W.P.(MD) No.23583 of 2019, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that though the disobedience of the earlier order of this court would amount to contempt, this court has taken a lenient view and extended one more opportunity to the second respondent to comply with the order and that the second respondent shall ensure that this order is complied in its spirit.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

cp

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary
State of Tamil Nadu,
Department of Health and Family Welfare
Fort St. George, Chennai-600 009.

2. The Director of Medical and Rural
Health Services, Chennai-600 006.

3. The Director of Medical Education,
162, Poonamalle High Road,
Kilpauk, Chennai-600 010.

1CC TO MR.XAVIER RAJINI, ADVOCATE SR 13092
1CC TO THE SPL GOVT PLEADER SR 12952

GS 05/05/2021 - 3P/6C

Order made in W.P. (MD) No.3834 of 2021

22.03.2021