



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P (MD) Nos. 6461 & 6462 of 2019

and W.M.P. (MD) Nos. 5171 to 5174 of 2019

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T.Jeba Stella

... Petitioner in
W.P. (MD) No. 6461/2019

G.R.Manju Packiyavathy

... Petitioner in
W.P. (MD) No. 6462/2019

Vs.

The Director of Medical and Rural Health Services,
258, Second Floor, DMS Campus,
Anna Salai, Teynampet,
Chennai - 600 018.

... Respondent in
both W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari, to call for the records passed by the respondent herein in Ref.No.12532/N2/2/2019-368 and Ref.No.12532/N2/2/2019-180, respectively dated 09.03.2019 and quash the same in so far as transferring the petitioners from Government Hospital, Kuzhithurai, Kanyakumari District to Government Thanjavur Medical College Hospital, Thanjavur (Multi Super Specialty Block) and Government Hospital, Kuzhithurai, Kanniyakumari District to Government Egmore Police Hospital, Chennai respectively.

For Petitioner : Ms.M.Padmavathy
(In both W.Ps)

For Respondents : Mr.A.K.Manikkam,
(In both W.Ps) Standing Counsel.

COMMON ORDER

These Writ Petitions have been filed challenging the impugned orders passed by the respondent dated 09.03.2019, insofar as transferring the petitioners from Government Hospital, Kuzhithurai, Kanyakumari District to Government Thanjavur Medical College Hospital, Thanjavur (Multi Super Specialty Block).

2. The case of the petitioners is that they were appointed as Nurse by the proceedings of the Director of Health Services and posted to Government Primary Health Centre, Thadikarankonam, Kanyakumari District. Subsequently, they were transferred to



Government Hospital, Kuzhithurai, Kanyakumari District. According to the petitioners, their services were not regularized for a long time, whereas the services of many of their colleagues, who were appointed along with them, were regularized. While that being so, on 09.03.2019, the respondent has passed the impugned orders by absorbing the petitioners into regular time scale of pay and transferred the petitioners to Government Thanjavur Medical College Hospital, Thanjavur (Multi Super Specialty Block). Challenging the impugned orders insofar as transferring the petitioners from Government Hospital, Kuzhithurai, Kanyakumari District to Government Thanjavur Medical College Hospital, Thanjavur (Multi Super Specialty Block), the petitioners have filed these Writ Petitions.

3. The learned counsel appearing for the petitioners submitted that the order of absorption does not warrant any transfer and further submitted that the respondent without conducting any transfer counseling, transferred the petitioners and therefore, the impugned orders are liable to be set aside. He further submitted that the counseling for this academic year was completed in the month of June 2021. The learned counsel appearing for the petitioners undertakes that the petitioners will participate in the transfer counseling for the next year 2022-2023.

4. Though this Court by order dated 09.04.2019, granted interim orders, directing the petitioners to continue to work in the same station, till date the respondent has not filed any vacate stay petitions nor filed the counter-affidavits.

5. In view of the undertaking given by the learned counsel appearing for the petitioners, liberty is given to the petitioners to participate in the transfer counselling for the next year viz., 2022-2023. It is open to the petitioners to submit applications, requesting to continue to work in the same station. In the event of such applications being made, the respondent shall consider the same and pass appropriate orders within a period of twelve weeks therefrom. Till such time, the interim orders granted by this Court shall be in force.

6. These Writ Petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

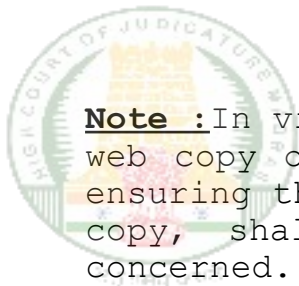
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Sub Assistant Registrar(CS)

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To

The Director of Medical and Rural Health Services,
258, Second Floor, DMS Campus,
Anna Salai, Teynampet,
Chennai - 600 018.

+1 CC to M/s.GP (SR-28817[F] dated 13/09/2021)

WP (MD) Nos. 6461 & 6462 of 2019
09.09.2021

RD(29.09.2021) 3P 3C