



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.17044 of 2021

WEB COPY

L.Usha

... Petitioner

Vs.

1.The Secretary to Govt. of Tamilnadu,
Health and Family Welfare Department,
Fort St.George,
Chennai-9.

2.The Director,
Medical and Rural Health Service,
D.M.S.Campus, Teynampet,
Chennai-600 006.

3.The Director,
Directorate of Medical Education,
Poonamalli High Road,
Kilpauk, Chennai.

4.The Joint Director of Health Services,
Thanjavur District.

5.The Dean,
Government Thanjavur Medical College Hospital,
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to pass an order of transfer, transferring the petitioner from the Government Thanjavur Medical College Hospital, Thanjavur (Multi Speciality Block) to any one of the vacancies in Karungal Government Hospital, Kuzhithurai Government Hospital or Asaripallam Government Medical College at Kanyakumari District, by considering the petitioner's representations dated 26.02.2021 & 17.08.2021 within a specific time as stipulated by this Court.

For Petitioner : Mr.L.Victoria Gowri

For Respondents : Mr.A.K.Manikkam,
Standing Counsel for State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to pass an order of transfer, transferring the petitioner from the Government



Thanjavur Medical College Hospital, Thanjavur (Multi Speciality Block) to any one of the vacancies in Karungal Government Hospital, Kuzhithurai Government Hospital or Asaripallam Government Medical College at Kanyakumari District, by considering the petitioner's representations dated 26.02.2021 & 17.08.2021 within a specific time as stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, she joined as Nurse on 09.12.2015 at Government Primary Health Centre, Ariyankottai, Ramanathapuram District. Thereafter, on 13.11.2015, she was transferred and posted to the Government Medical College Hospital, Asaripallam, Kanniya Kumari District. Further, on 09.03.2019, the second respondent by his posting order, absorbed the petitioner, who was serving as a Nurse on contract basis, into regular time scale of pay and posted her as a regular Nurse at Government Thanjavur Medical College Hospital, Thanjavur(Multi Speciality Block) and she joined in the said transferred place on 21.03.2019. The grievance of the petitioner is that her husband being a Jawan in CRPF, he cannot take his family alongwith him and also his parents are senior citizens, who are residing at Thikkanamcode, Kanya Kumar District. Moreover, the petitioner is having a one year old baby girl. In this regard, the petitioner made representations dated 26.02.2021 and 17.08.2021 to the second respondent expressing her difficulty and hardship because of her employment at Thanjavur and requesting transfer to her native District of Kanya Kumari. However, the said representation is still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5.The learned Standing Counsel appearing for the respondents would submit that petitioner's representation would be considered based on the policy decision taken by the Government, if it is otherwise in order and appropriate orders will be passed in accordance with law.

6.Considering the submissions made by the learned counsel on either side and considering the limited scope of prayer as sought by the petitioner, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 17.08.2021 if it is otherwise in order, on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order and the decision taken shall be communicated to the petitioner.



7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 to Govt. of Tamilnadu,
Health and Family Welfare Department,
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Chennai-9.
2. The Director,
Medical and Rural Health Service,
D.M.S. Campus, Teynampet,
Chennai-600 006.
3. The Director,
Directorate of Medical Education,
Poonamalli High Road,
Kilpauk, Chennai.
4. The Joint Director of Health Services,
Thanjavur District.
5. The Dean,
Government Thanjavur Medical College Hospital,
Thanjavur.

+1 CC to M/s.SPL.GP (SR-29842[F] dated 22/09/2021)

W.P (MD) No.17044 of 2021
21.09.2021

RS (30.09.2021) 3P 7C