



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD)No.2609 of 2018

and

W.M.P(MD)Nos.2806 & 2807 of 2018

Mrs.E.Kalyani

...Petitioner

Vs.

1. State of Tamil Nadu,
Represented by the Principal Secretary to the Government,
Department of Health and Family Welfare,
St. George Fort,
Chennai.
2. The Director of Medical and Rural Health Service,
DMS Campus,
Tenampettai,
Chennai - 6.
3. The Director of Medical and Rural Health Service,
(ESI), DMS Campus,
Tenampettai,
Chennai - 6.
4. The Regional Administrative Medical Officer,
ESI Scheme, K.K.Nagar,
Madurai - 625 020.
5. The Store Medical Officer,
Central Medical Store,
ESI, K.K.Nagar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the entire records connected with the impugned order passed by the 3rd respondent in Ref.No.1945/ESI/E1(2)/2017, dated 06.02.2018 transferring the petitioner from the office of the Regional Administrative Medical Officer, K.K.Nagar, Madurai to ESI Hospital, Madurai, Madurai District, consequently, the order passed by the 4th respondent in Na.Ka.No.956/Ni2/2018, dated 06.02.2018 reliving the petitioner and quash the same.



For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.A.Muthukaruppan,
Additional Government Pleader

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O R D E R

Heard Mr.K.K.Kannan, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

2.The order of transfer dated 06.02.2018, issued to the petitioner is put under challenge in the present writ petition. Pending writ petition, the petitioner was permitted to continue in the same post as Medical Store Officer pursuant to the interim order of stay granted by this Court.

3.The learned Additional Government Pleader appearing for the respondents, on instructions, affirms that the petitioner is still continuing in the same post. It is seen that the transfer order was passed way back on 06.02.2018 and the petitioner has been continuing in the said post for 3 years. At this length of time, it would not be appropriate to interfere with the transfer order, since the Administrative exigencies, which necessitated the petitioner to be transferred long back may not subsist as on date.

4.Nevertheless, if the respondents are of the view that the petitioner requires to be transferred in future, on administrative grounds, it would always open to them to do so.

5.Accordingly, the impugned order by the 3rd respondent in Ref.No.1945/ESI/E1(2)/2017, dated 06.02.2018, shall stand quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. State of Tamil Nadu,
represented by the Principal Secretary to the Government,
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+1 CC to Mr.K.K.KANNAN, Advocate (SR-6586[F] dated 23/02/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-6682[F] dated 23/02/2021)

Order made in
W.P(MD)No.2609 of 2018 and
W.M.P(MD)Nos.2806 & 2807 of 2018
22.02.2021

KUN(CO)
SRS (02/03/2021) 3P : 8C