



W.P. No. 34680 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34680 of 2016

and

W.M.P. Nos. 29871 and 29872 of 2016

N. Ilavarasan

... Petitioner

-VS-

1. The Director of Public Health and Preventive Medicine,
DMS Compound,
Chennai – 600 006.

2. The Deputy Director of Health Services,
Dharmapuri District,
Dharmapuri.

3. The Block Medical Officer,
Primary Health Centre,
Chinnankuppam,
Harur Taluk,
Dharmapuri District.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings of the Second Respondent dated 16.09.2016 made in Na. Ka. No. 2061/E3/2016 to quash the same.



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For Petitioner : Mr. C.Prabakaran
For Respondents : Mr. P.Balathandayutham,
Special Government Pleader

ORDER

Heard Mr. C.Prabakaran, Learned Counsel for the Petitioner, Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, while working as Sanitary Inspector Grade-II in Government Primary Health Centre, Chinnakuppam, was transferred from Dharmapuri to Keeraipatti as Births and Deaths Registrar in Government Primary Health Centre by Order No. Na. Ka. No. 2061/E3/2016 dated 16.09.2016 passed by the Second Respondent, which is challenged in this Writ Petition.

3. This Court at the time of admission on 30.09.2016, had granted an order of *status quo* as on that date to be maintained, which continues to be in force as on date.



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4. The legal position is well established as held by the Hon'ble Supreme Court of India in ***Union of India -vs- S.L.Abbas*** [(1993) 4 SCC 357] that an order of transfer is an incident of service and unless it is vitiated by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it.

5. Having due regard to the fact that a period of more than five years have lapsed from the time of passing of the impugned order, it is improbable that the same circumstances that then existed still continues. In that backdrop, there does not appear to be any useful purpose served by venturing into the task of testing the validity of the impugned order *viz-a-viz* the aforesaid legal position at this distance of time. Viewed from that perspective, it is made clear that the concerned authorities are not precluded from taking any fresh decision as the exigencies may require regarding the place of posting of the Petitioner in accordance with law and till then, the *status quo* as prevailing today shall be in force.



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In the result, the Writ Petition is disposed with the aforesaid observations.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

08.07.2022

Maya

Index: Yes/No

Note: Issue order copy by 22.07.2022.

To

1. The Director of Public Health and Preventive Medicine,
DMS Compound,
Chennai – 600 006.
2. The Deputy Director of Health Services,
Dharmapuri District,
Dharmapuri.
3. The Block Medical Officer,
Primary Health Centre,
Chinnankuppam,
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P.D. AUDIKESAVALU, J.

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