



WEB COPY



W.P.No. 25547 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.25547 of 2022
and WMP.Nos.24536 & 24537 of 2022

S.Senthilnathan

..Petitioner

Vs.

1. The Director,
Public Health and Preventive Medicine,
Thenampet, Chennai – 600 006.
2. The Deputy Director,
Public Health Service,
Thiruppathur,
Vellur District.
3. The Deputy Director,
Public Health Service,
Coimbatore.
4. The Deputy Director,
Public Health Service,
Erode.
5. The Principal,
Mohan Kumaramangalam Government
Medical College, Salem.
6. V.Kannan,
Senior Entomologist,
Office of the Deputy Director Health Service,
Erode.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Certiorarified Mandamus, calling for the records relating to the impugned transfer order of 1st respondent in Na.Ka.No.2559967/E6/S2/2022-3 dated 08.09.2022 so far as transfer the 6th respondent concern and quash the same and consequently directing the 1st respondent to transfer the petitioner to the office of the 5th respondent.

For Petitioner : Mr.K.Anandan
For Respondents : Mr.U.M.Ravichandran
Special Government Pleader
[R1 to R5]

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus to quash the impugned transfer order of 1st respondent in Na.Ka.No.2559967/E6/S2/2022-3 dated 08.09.2022 so far as transfer the 6th respondent concern and quash the same and consequently directing the 1st respondent to transfer the petitioner to the office of the 5th respondent.

2. The petitioner had been working as Junior Entomologist at the respondent Department. His next avenue for promotion is Senior Entomologist. For the said purpose, there was seniority list prepared



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among the Junior Entomologist, where the petitioner finds place at S.No.24.

3. In the said seniority list, 15 people have been given promotion as Senior Entomologist. Subsequently, five more people have been given promotion. Accordingly, the petitioner got promotion to the post of Senior Entomologist.

4. Before such promotion, though the petitioner has made a request to the respondents to consider his posting place at the fifth respondent Medical College, the respondents i.e, Authority concerned, who gave promotion and postings had considered the case of the petitioner to post at the third respondent office i.e., Deputy Director, Public Health Service, Coimbatore.

5. The petitioner's spouse working in the Salem District, the petitioner wanted to live with his family, therefore, he wanted to be posted only at Salem i.e., fifth respondent Medical College. Even though promotion has been effected, the petitioner has not accepted and joined in the posted place i.e., third respondent office. Only, at this juncture, the



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petitioner approached this Court challenging the order of posting given to the sixth respondent.

6. However, when the case is taken up for hearing learned counsel appearing for the petitioner would contend that though such a prayer is sought for in this writ petition, now the petitioner wants to confine his prayer to consider the representation submitted by the petitioner dated 12.09.2022 to the Director i.e., first respondent for giving him posting at Salem in any vacancy, if it is available and before which, as a condition precedent, in order to obey the order of posting after promotion to the petitioner, the petitioner would join as Senior Entomologist at the third respondent's office immediately within a period of one week from the date of receipt of a copy of this order and on joining at the third respondent's office, thereafter, the petitioner's counsel wants his request of the petitioner may be directed to be considered by the first respondent sympathetically.

7. Heard Mr.U.M.Ravichandran, learned Additional Pleader appearing for the respondent.



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8. Having regard to the submission made by the learned counsel appearing for the petitioner as he has confined with the prayer only to that extent referred to above, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the first respondent to consider the request of the petitioner dated 12.09.2022 and pass orders thereon on merits and accordance with law, considering the plea raised by the petitioner that the family of the petitioner is residing at Salem, considering his promotion at Salem, if it is available and pass orders thereon within a period of four weeks from the date of receipt of a copy of this order.
- ◆ It is made clear that the petitioner shall report duty at the third respondent, pursuant to his promotion and posting within a period of seven days from the date of receipt of a copy of this order, failing which, the aforesaid direction need not be complied with by the first respondent.



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Connected miscellaneous petitions are closed.

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Index : Yes/No

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R.SURESH KUMAR, J.

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