



WEB COPY



W.P.No.33101 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.33101 of 2022
and WMP.No.32507 of 2022

S.Vijayakumar

.. Petitioner

Vs.

1.The State of Tamil Nadu

Rep by its Principal Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St.George
Chennai - 600 009.

2.The Director of Medical Education (FAC)

Kilpauk, Chennai - 600 010.

3.The Dean

[In the cadre of DME (OSG)]
Government Kilpauk Medical College
Kilpauk, Chennai - 600 010.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the representation submitted by the petitioner dated 03.12.2022 for cancellation of order of transfer dated 02.12.2022 in Ref.No.90334/E2/3/2021-1 and to restore the petitioner as Junior Administrative Officer in Government Kilpauk Medical College based on



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his date of retirement and on medical grounds, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.D.Ravichander
Special Government Pleader [R1 to R3]

ORDER

This writ petition has been filed for Mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 03.12.2022, seeking for cancellation of order of transfer dated 02.12.2022 and to restore the petitioner as 'Junior Administrative Officer' in Government Kilpauk Medical College, based on his date of retirement and on medical grounds.

2. The grievance of the petitioner is that he has been working as 'Junior Administrative Officer' in Government Kilpauk Medical College for the past 35 years. However, according to him, arbitrarily he has now been transferred vide an order of transfer dated 02.12.2022 to Ramanathapuram. The petitioner has given a representation on 03.12.2022, requesting for cancellation of the said order of transfer. Since the representation has not been considered till date, he has filed this



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writ petition.

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3. The petitioner in his representation has pleaded that his wife has recently underwent a heart surgery and his younger daughter is suffering from congenital heart disease and has also underwent an operation. The petitioner now contends in his representation that he has foregone his promotion only due to the aforementioned reasons. In such circumstances, he has given a representation seeking for cancellation of the transfer order dated 02.12.2022.

4. Heard Mr.G.Sankaran, learned counsel for the petitioner. Mr.D.Ravichander, learned Special Government Pleader accepts notice on behalf of the respondents.

5. The learned Special Government Pleader appearing for the respondents has received written instructions from the second respondent on 09.12.2022, stating that an FIR has been registered against the petitioner in Cr.No.83/2022 on the file of Kilpauk Police Station, as there is a complaint lodged against him on the ground that he has promised to provide a job and obtained bribe for the same. However, the same is



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disputed by the learned counsel for the petitioner, who would submit that the said FIR was registered based on a false complaint and the same was closed.

6. This Court is not expressing any opinion on the merits of the case and it is for the respondents to consider the same on merits. No prejudice would be caused to the respondents, if the representation of the petitioner, dated 03.12.2022, seeking for cancellation of the transfer order dated 02.12.2022, is directed to be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. The petitioner is aged 59 years now and considering the plight expressed in his representation dated 03.12.2022, necessarily the representation of the petitioner has to be considered within a short time.

8. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law, on the petitioner's representation dated 03.12.2022, seeking for cancellation of the order of transfer dated 02.12.2022, under which he has been directed to be transferred to Ramanathapuram from his present



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employment at Government Kilpauk Medical College, Chennai, within a period of four weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2022

Index : Yes / no
Speaking Order/Non-speaking Order
ds



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ABDUL QUDDHOSE.J.,

ds

To:

- 1.The Principal Secretary to Government
Health and Family Welfare Department
Secretariat, Fort St.George
Chennai - 600 009.
- 2.The Director of Medical Education (FAC)
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