



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2879 of 2022

and

W.M.P. (MD) Nos.2521 & 2522 of 2022

A.Sundararaj ... Petitioner

-vs-

1.The Director,
Public Health and Preventive Medicine Department,
Chennai-600 006.

2.The Public Health Engineer (I/C),
O/o. Research cum Action Project,
Medical College Campus,
Tirunelveli-627 011.

3.The Deputy Director,
Public Health Services,
Tirunelveli-627 002.

4.The Block Medical Officer,
Government Primary Health Center,
Tisayanvilai, Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of impugned order passed by 2nd respondent in proceedings Na.Ka.No.08/ml-Mbrjp-2022 dated 27.01.2022 and quash the same in so far as the petitioner alone, as illegal and unconstitutional and direct respondents 2 and 3 either to retain at present place or accommodate him at any nearby place of present place.

For Petitioner	:	Mr.T.Venkatesh for Mr.M.Maharaja
For Respondents	:	Mr.N.Satheesh Kumar, Additional Government Pleader

O R D E R

The order dated 27.01.2022, deputing the writ petitioner to Government Primary Health Centre, Uvari, is under challenge in the present writ petition.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioner states that he is working as Health Inspector, Grade-I under the control of the 2nd respondent. The petitioner is being deputed to meet out the health emergencies and to provide services to the public. During the pandemic situation, medical employees are posted or deputed in the interest of the public at large and being a public servant, the Department employees are bound to work wherever they are deputed. In the present case, the petitioner was only deputed to work at Government Primary Health Centre at Uvari, as there is a need to provide health assistance to the people of that locality. When such administrative decision is taken in the interest of public more specifically, in Primary Health Centres, the petitioner cannot question the same.

3.Deputations are made on account of administrative exigencies and to provide health services to the public. Deputation will not confer any right on an employee to question the same by filing a writ petition. Transfer or deputation are incidental to service, more so a condition of service. Wherever a public servant is posted, he is bound to work in the interest of public. In the present case, the petitioner is now working at Tirunelveli and he is deputed to work at Uvari, in the same District, wherein health services are to be provided on need basis.

4.The learned counsel for the petitioner made a submission that the petitioner underwent heart treatment and therefore, he is not in a position to travel. In such circumstances, the Court cannot grant any relief based on the misplaced sympathy. If at all the petitioner is unable to work, then he has to take a decision to opt for Voluntary Retirement Scheme. Even the petitioner is unfit for public services, then the authorities have to take a call for medical invalidation by sending him to the Medical Board for medical examination. All these service rules are to be followed whenever an employee expresses his inability to perform his duties to the satisfaction of the authorities competent. Contrarily, an employee cannot claim that he is not in a position to perform his duties in a particular place, which is to be construed that he is not fit to continue in government service.

5.A very decent salary has been paid to the Government employees in comparison with the counterparts in the private sector. After receiving such a decent salary from the tax payers' money, the public servants cannot say, they are not in a position to work. If at all they are unable to work on account of certain personal reasons or medical ground, they have to take an appropriate decision to get themselves relieved from the post by following the rules. Contrarily, they cannot get a salary and refuse to work or file writ petition even against the deputation, which was issued on administrative ground. This being the factum established, the petitioner is not entitled for any relief as such sought for in the



6. Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Director,
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Chennai-600 006.

2. The Public Health Engineer (I/C),
O/o. Research cum Action Project,
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Tisayanvilai, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-6445[F] dated 15/02/2022)

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