



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.3772 of 2021

Dr.P.Muthukumar

... Petitioner

versus

1. The Government of Tamil Nadu,
Rep. by the Principal Secretary
to Government,
Public Health and Family Welfare
Department,
St. George Fort,
Chennai - 600 009.
2. The Director of Public Health and
Preventive Medicine,
Chennai - 600 006.
3. The Deputy Director of Health Service,
Sankarankovil,
Tenkasi District.
4. The Block Medical Officer,
Karivalamvandhanallur Block,
Tenkasi District.
5. The Block Medical Officer,
Kadayam,
Tenkasi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fourth respondent in Na.Ka.No.427/a2/2020, dated 30.12.2020 and quash the same and consequently, direct the respondents herein to retain the petitioner to continue his employment as Assistant Surgeon at Government Primary Health Centre, Madathupatti, Tenkasi District.

For Petitioner	:	No appearance
For Respondents	:	Mr.S.Saji Bino, Special Government Pleader



ORDER

This writ petition is filed against the order of transfer dated 30.12.2020. The petitioner, who is working as Assistant Surgeon at Government Primary Health Centre, Madathupatti, has been transferred to Kadayam.

2. When the matter was taken up for hearing on 01.02.2022, there was no representation for the petitioner. Therefore, the writ petition was directed to be posted today under the caption "For Dismissal". Even today, there is no representation for the petitioner.

3. The respondents filed their counter affidavit and took a stand that the petitioner was transferred on administrative grounds. In the counter affidavit, it is stated that the petitioner was appointed and posted at Government Hospital, Puliyangudi, Tirunelveli District, vide proceedings of the second respondent dated 07.09.2015 and he joined service on 15.09.2015. Thereafter, vide proceedings of the second respondent dated 26.09.2020, he was transferred from Government Primary Health Centre, Karisalpatti to Government Primary Health Centre, Madathupatti, based on the request made by him on 28.07.2020. Subsequently, he was deputed to Kadayam Primary Health Centre on 30.12.2020, vide proceedings of the third respondent dated 29.12.2020. Now, the order of deputation was cancelled and he was posted at Vadakkuppur Primary Health Centre, Tenkasi District, vide proceedings of the third respondent dated 17.05.2021.

4. According to the learned Special Government Pleader, Vadakkupudur is only within 10 kms. from the petitioner's house. The petitioner was relieved from Kadayam Primary Health Centre on 17.05.2020 and he also joined duty at Vadakkupudur on 18.05.2021.

5. The Transfer is an incident of service. As the order of transfer was passed on administrative grounds, no *mala fides* could be attributed. Now, the petitioner was also transferred to a nearby place. Therefore, this Court is not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs.

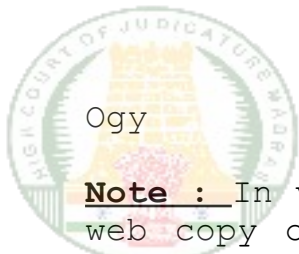
Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary
to Government,
Public Health and Family Welfare
Department,
St. George Fort,
Chennai - 600 009.
2. The Director of Public Health and
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Chennai - 600 006.
3. The Deputy Director of Health Service,
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4. The Block Medical Officer,
Karivalamvandhanallur Block,
Tenkasi District.
5. The Block Medical Officer,
Kadayam,
Tenkasi District.

+1 CC to M/s.SPL.GP (SR-4565[F] dated 07/02/2022)

ORDER MADE IN
W.P (MD) No.3772 of 2021
03.02.2022

PKP/08.03.2022/3P/7C