



W.P.(MD).No.6021 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.6021 of 2022

and

W.M.P.(MD).No.4690 of 2022

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... Petitioner

Vs.

- 1.The Mission Director,
State Health Mission,
Chennai.
- 2.The Director of Public Health and Preventive Medicine,
Chennai.
- 3.The District Collector/District Health Society,
Tiruchirappalli,
Tiruchirappalli District.
- 4.The District Collector/District Health Society,
Madurai,
Madurai District.
- 5.The Deputy Director of Health Services,
Tiruchirappalli,
Tiruchirappalli District.



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6.The Deputy Director of Health Services,
Madurai,
Madurai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.1957895/STCC/2022 (03) dated 22.03.2022 and its consequential order passed by fifth respondent in R.No.4363/A5/2021 dated 29.03.2022 and quash the same as illegal, arbitrary and consequentially direct the fifth respondent to retain the petitioner as District Consultant District TOBACCO Control Cell, Trichy.

For Petitioner : Mr.K.Baalasundharam
For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

ORDER

Through an order dated 30.08.2020, the petitioner herein, who was originally working as a District Consultant of the District Tobacco Control Cell, Madurai, was diverted back to the District Tobacco Control Cell, Trichy on contract basis until further orders. Through the present impugned order, dated 29.03.2022, the order of diversion was retracted by relieving the petitioner from



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Trichy office and calling upon her to report for duty before the Deputy Director of Health Services, Madurai. Aggrieved against the same, the present Writ Petition has been filed.

2. The learned counsel for the petitioner submitted that earlier the third respondent herein, had made recommendation to the first respondent to retain the petitioner in Trichy itself and consider declaring the post at Madurai as vacant for the purpose of filling up the same and in view of such recommendation, the respondents ought not to have relieved the petitioner from Trichy through the impugned order.

3. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that after the petitioner was diverted on 30.08.2020, the vacancy in Trichy was filled up through proper recruitment and the incumbent, who was appointed on 09.03.2022, had also joined as a District Consultant in the District Tobacco Control Cell, Trichy. In view of the subsequent appointment, there are now two District Consultants working in Trichy Cell, while the post of District Consultant in Madurai Cell is kept vacant.



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4. The petitioner's transfer of services from Madurai to Trichy was only by way of a diversion on consolidated basis, which will not give any absolute right to continue or retain at District Tobacco Control Cell, Trichy. Further more, such diversion was only by way of a stop gap arrangement, which was pending for further orders from the first respondent herein. Since the respondents have now chosen to fill up the vacancy of District Consultant at the District Tobacco Control Cell, Trichy, the petitioner herein may not have any right to continue in Trichy itself. Hence, I do not find any infirmity in the impugned order, relieving the petitioner from Trichy and calling upon her to join at Madurai.

5. At this juncture, the learned counsel for the petitioner submitted that since the petitioner's children are studying in Trichy and her husband is also employed at Trichy, she is unable to transfer to Madurai. If that be so, the petitioner is granted liberty to give a representation to the second respondent herein seeking for mutual transfer to Trichy and on receipt of such a representation, the second respondent herein, after obtaining no objection from the incumbent at Trichy, shall pass appropriate orders on the petitioner's representation.



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6. With the above liberty, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes / No
Internet : Yes/ No
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- 6.The Deputy Director of Health Services,
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