



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.22660 of 2021

and

W.M.P. (MD) Nos.19481 of 2021 & 4405 of 2022

WEB COPY

Dr.Vinukumar

... Petitioner

vs.

- 1.The Government of Tamil Nadu
by its Secretary
Directorate of Public Health and
Preventive Medicine
Secretariat, Chennai-600 009
- 2.The Deputy Director
The Deputy Director of Health Services
Nagercoil
- 3.The Block Medical Officer
Government Primary Health Centre
Rajakkamangalam Thurai
Kanyakumari District
- 4.A.Abina
[R4 is impleaded vide Court order dated
23.03.2022 in W.M.P.(MD) No.2453 of
2022]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records and to quash the impugned transfer and posting order in Ref.No.12282/A1/2021, dated 13.12.2021 issued by the 2nd respondent and consequently direct the 2nd respondent to retain the petitioner in the same place as 'Incharge Medical Officer, Primary Health Centre, Ganapathipuram'.

For Petitioner : Ms.L.Victoria Gowri

For Respondents : Mr.A.K.Manikkam
Special Government Pleader for R1 to R3

Mr.C.T.Perumal for R4



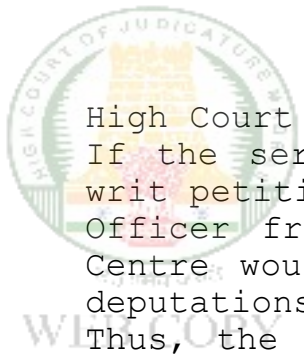
O R D E R

The order of deputation dated 13.12.2021, issued by the second respondent, deputing the petitioner from Primary Health Centre, Ganapathipuram to Block Primary Health Centre, Agasteeswaram, is under challenge in this writ petition.

2. The petitioner is working as Medical Officer. The impugned order of deputation was issued by the Competent Authority as an alternative arrangement based on the preliminary report of the Enquiry Officer, dated 11.02.2021. Therefore, there is an administrative reason also for such deputation.

3. This Court is of the considered opinion that deputation of an employee per se would not provide any cause for filing a writ petition. Deputations are made either as alternative arrangement or based on certain reports / complaints or otherwise against the official concerned. In lieu of suspension, transfers / deputations are issued to avoid any inconvenience to the public administration in general. However, all such administrative decisions are taken in order to run the public administration in a smooth and effective manner. However, mere deputation would not be violative of the service conditions of the public servant. Transfer / deputation is an incidental to service, more so, a condition of service. Post or place can never be claimed as a matter of choice. Public servants are expected to work wherever they are posted. However, in the present case, the impugned deputation has been made as an alternative arrangement based on the preliminary report of the Enquiry Officer, dated 11.02.2021. As an administrative measure, based on the preliminary report of the Enquiry Officer, the petitioner was deputed to another Block within the same District. When a Medical Officer is transferred within the same District, he is expected to serve in the transferred place in the interest of public. The post of Medical Officer is an important post, where they provide medical facilities to the people of the locality. The service of the Medical Officer is of paramount importance as the right to live under Article 21 of the Constitution of India and providing decent medical facilities are the integral parts. Therefore, the administrative decision taken by the Authorities competent deputing a Medical Officer from one Primary Health Centre to another Primary Health Centre cannot be interfered with by the High Court.

4. High Court cannot interfere with such administrative affairs of the Medical Department. Deputation and administrative transfers are made on several reasons. The Authorities Competent are the best person to decide these administrative affairs and any unnecessary interference by the High Court would cause hindrance to the public administration. Writ petitions in this regard need not be entertained in all circumstances. An employee approaching the



High Court should establish the right or infringement of his rights. If the service conditions are not violated or infringed, then no writ petition needs to be entertained. Mere deputation of a Medical Officer from one Primary Health Centre to another Primary Health Centre would not be violative of his service conditions and such deputations are incidental to service and conditions of service. Thus, the petitioner is not entitled to any relief as such sought for in this writ petition.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

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To:

- 1.The Secretary,
Directorate of Public Health and
Preventive Medicine,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Deputy Director,
The Deputy Director of Health Services,
Nagercoil.
- 3.The Block Medical Officer,
Government Primary Health Centre,
Rajakkamangalam Thurai,
Kanyakumari District.

+1 CC to M/s.L. VICTORIA GOWRI, Advocate (SR-18458[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-19011[F] dated 18/04/2022)

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-18722[F] dated 13/04/2022)

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