



W.A. No. 1306 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A. No. 1306 of 2022

and

C.M.P.Nos. 8262 and 8263 of 2022, & 14026 of 2022

Dr. Suresh Kumar P R

...Appellant

-VS-

1. The Secretary to the Government
of Tamil Nadu
Department of Health and Family Welfare
Chennai.
2. The Joint Director of Health Services
Department of Medical and Rural Health Services
Tirupur District, Tirupur.
3. Dr. Selvarasu
The Chief Medical Officer
Government Hospital
Udumalpet, Tirupur District.

4. R.Kavitha

...Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 03.03.2022 made in W.M.P. No. 3206 of 2022 in W.P. No. 3052 of 2022 passed by this Court.



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For the Appellant : Mr. D.R.Arun Kumar

For the Respondents : Mr. Karthik Jeganath (RR1 to 3)

Ms. M.N.Sumathy (R4)

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr. D.R.Arun Kumar, learned counsel for the appellant; Mr.Karthik Jeganath, learned counsel, for the first to third respondents and Ms.M.N.Sumathy, learned counsel, for the fourth respondent.

2. The appellant is challenging the interim order passed by the learned Single Judge in a writ petition filed by him.

3. This Court under order dated 11.05.2022 granted the stay to the proceedings impugned in the writ petition upon the appellant undertaking to report for duty in the transferred place, i.e., Kangeyam Government Hospital.



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4. It is submitted that the appellant has not joined duty at the transferred place, even after the undertaking given before the Court.

5. According to the learned counsel for the appellant, the appellant was not permitted to join for duty at the transferred place. The same is denied by the learned counsel for the first to third respondents.

6. According to the learned counsel for the first to third respondents, the appellant did not report for duty at Kangeyam Government Hospital.

7. If according to the appellant, he was not allowed to join for duty at the transferred place, he could have issued a letter to the respondents and he could have filed an application before this Court, but the same has not been done.

8. We cannot believe that the appellant is not allowed to report for duty. It appears that the petitioner is flouting his own undertaking. In view of that, the protection cannot be granted. Since the matter is



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pending before the learned Single Judge, the appellant may prosecute his writ petition before the learned Single Judge on its own merits.

9. In view of the aforesaid, the writ appeal stands disposed of. No costs. Consequently, C.M.P.Nos. 8262 and 8263 & 14026 of 2022 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

Maya

To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(Maya)

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