



WEB COPY



W.P.No.27768 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.27768 of 2023

Geetha

... Petitioner

Vs.

1.The Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai – 600 009.

2.The Director,
Medical and Rural Health Services,
D.M.S. Campus,
Teynampet,
Chennai – 600 006.

3.The Director,
Director of Medical Education,
Poonamallee High Road, Kilpauk,
Chennai – 10.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents herein to consider the petitioner's representation, dated 12.08.2023, seeking transfer from Namakkal District Government Hospital, Namakkal, to Government Medical College Hospital, Dindugal District, where the petitioner is presently working as Staff Nurse on diversion duty to Government Medical College Hospital, Dindigul District.



W.P.No.27768 of 2023

For Petitioner : M/s.K.Kalaivani
For R1 to R3 : Mr.M.Alagu Goutham
Government Advocate

ORDER

This writ petition has been filed to direct the respondents herein to consider the petitioner's representation, dated 12.08.2023, seeking transfer from Namakkal District Government Hospital, Namakkal, to Government Medical College Hospital, Dindugal District, where the petitioner is presently working as Staff Nurse on diversion duty to Government Medical College Hospital, Dindigul District.

2.It is the case of the petitioner that she is a Staff Nurse of Government Hospital, Namakkal and she was deputed to work in the Government Medical College Hospital, Dindigul District, on diversion duty on 29.07.2013 and she is working in the said Hospital till date. The petitioner states that her in-laws are residents of Dindigul District and also considering her family circumstances, she submitted representations to the respondents seeking permanent transfer from Namakkal District to Dindigul District. However, the same were not considered. The petitioner has also approached this Court several times by way of writ petitions



W.P.No.27768 of 2023

seeking directions to the respondents to consider her representation and have obtained orders from this Court. It is the grievance of the petitioner that, though there are vacancies in Dindigul Government Medical College Hospital and many juniors to the petitioners have been transferred to Dindigul, the petitioner's case has not been considered. In this regard, the petitioner has submitted a detailed representation to the respondents, dated 12.08.2023. Since the same was also not considered, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.M.Alagu Goutham, learned Government Advocate, who takes notice for the respondents 1 to 3.

4.This Court is of the view that a blanket direction as sought for by the petitioner to transfer her to Dindigul District, cannot be issued by this Court. Transfer is based on policy and requirement of the employer based on the administrative contingencies and other reasons. One cannot seek transfer merely on the basis of representation or as a matter of right. Government Servants are at the disposal of the Government. Their services might be utilized anywhere by the Government and they are



W.P.No.27768 of 2023

supposed to work in the Station as ordered by the Government. Therefore, the petitioner, as a matter of right, cannot seek positive directions for her transfer.

5.In such view of the matter, I do not find any merit in this writ petition. Therefore, this writ petition is dismissed. No costs.

22.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1.The Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai – 600 009.

2.The Director,
Medical and Rural Health Services,
D.M.S. Campus,
Teynampet,
Chennai – 600 006.

3.The Director,
Director of Medical Education,
Poonamallee High Road, Kilpauk,
Chennai – 10.

N. SATHISH KUMAR, J.



WEB COPY



W.P.No.27768 of 2023

mkn

W.P.No.27768 of 2023

22.09.2023