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W.P.No.27687 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.27687 of 2023
and
W.M.P.No.27159 of 2023

Elumalai

... Petitioner

Vs.

1.The Director of Medical and Rural Health Services,
DMS Complex,
Chennai – 6.

2.The Director of Medical Education,
Periar E.V.R. High Road,
Kilpauk,
Chennai – 600 010.

3.The Dean,
Chengalpattu Medical College Hospital,
Chengalpattu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the record relating to the issuance of impugned transfer and posting order issued by the 1st respondent in Ref. No.50734/ N2/ 2/ 2023, dated 21.08.2023 and consequential order issued by the 2nd respondent in Ref. No.78324/ N1/ 2023, dated 21.08.2023 and relieving orders issued by the 3rd respondent in Ref No.7612/E3/ 2023 dated 21.08.2023 and quash the same.



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For Petitioner : Mr.R.Thomas
For R1 to R3 : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the orders of the respondents, dated 21.08.2023, transferring the petitioner from Chengalpattu District to Ponneri, Thiruvallur District.

2.The petitioner states that he is the President of Chengalpattu Branch of Tamil Nadu Government Nurse's Association. It is the case of the petitioner that the Hindu Tamil Thisai Daily published an article with regard to shortage of Nurses in Chengalpatti Government Medical College Hospital. Therefore, explanation was called for from the petitioner as if the petitioner had published the article in the newspaper. Even before receipt of explanation from the petitioner, the 1st respondent, at the instigation of the respondents 2 and 3, by impugned orders, transferred the petitioner from Chengalpattu Government Medical College Hospital to Government Hospital, Ponneri, Thiruvallur District, in the existing vacancy. Challenging the transfer, the present writ petition has been filed.



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3.The transfer order has been challenged mainly on the ground that it is punitive in nature and against the Transfer Policy and that the same has been passed without conducting any preliminary enquiry. It is the contention of the learned counsel for the petitioner that, since some news items appeared in the newspaper relating to shortage of Staff Nurses in Government Hospitals, the petitioner has been transferred.

4.Heard the learned counsel for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader, who takes notice for the respondents 1 to 3.

5.I have perused the entire materials available on record. Every transfer cannot be challenged merely on the ground that it is punitive in nature. In the given case, on an entire perusal of the records available, there are no materials to show that the petitioner has been transferred based on punitive action on the part of the respondents. Therefore, merely on the basis of assumption or surmises or conjectures, one cannot presume that the transfer is a result of punitive action of the authorities. In such view of the matter, this Court does not find any merit in this writ petition.



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6. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

22.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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