



WEB COPY



W.P.No.31499 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.31499 of 2017

Dr.S.Sumathi

... Petitioner

Vs.

1 The Director,
Public Health and Preventive Medicine,
DMS Compound, Annasalai,
Teynampet,
Chennai-06.

2 The Director,
Directorate of Medical and Rural Health Services,
DMS Compound, Annasalai,
Teynampet,
Chennai-06.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representations dated 25.11.2016, 01.09.2017 and 12.10.2017 made by the petitioner and suitable orders are passed by the respondents permitting the petitioner to join duty.

For Petitioner : Mr.M.Rasu



WEB COPY



W.P.No.31499 of 2017

for Mr.M.D.Thirunavukkarasu

For Respondent : Mr.M. Muthusamy
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to consider the representations dated 25.11.2016, 01.09.2017 and 12.10.2017 made by the petitioner and suitable orders are passed by the respondents permitting the petitioner to join duty.

2.The learned counsel appearing for the petitioner would submit that the petitioner was working as a Assistant Surgeon in the Department of Public Health and Preventive Medicine. She was transferred from Primary Health Centre, Morappur, Harur Taluk to the Government Hospital, Palacode under the order dated 25/02/2011 by the 2nd respondent. She was relieved by Block Medical Officer, Kadathur on 15.10.2011. Thereafter, the petitioner was not allowed to join the place. Hence, the petitioner made a



W.P.No.31499 of 2017

representation on 25.11.2016 and on 12.10.2017 to the respondents. But it was not considered till date. Hence, this Writ Petition has been filed.

3.The learned counsel for the respondents would submit that the petitioner relieved on the afternoon of 15.10.2011 and did not join duty till date and deserted from duty. Thereafter, she made a representation only on 25.11.2016 after a lapse of more than 5 years. Therefore, the petitioner has remained on unauthorised absent from 15.10.2011 and she has not shown any intention in joining the duty instead the petitioner has sent representations to the District Collector, Dharmapuri, on 06.12.2021. Usually any transfer and posting orders issued is valid for a period of six months only from the date of issue. Therefore, the District Collector, Dharmapuri in Letter No.2603197/GDP/2021 dated 15.12.2021 has stated that the Collector has enquired the Joint Director of Health Services, Dharmapuri and the petitioner, on 13.12.2021, during the enquiry the petitioner has not given any suitable reason for her unauthorised absent from duty. Hence, the petitioner seems to be not in a stable mind for attending the



W.P.No.31499 of 2017

duty.

4.Heard the learned counsel appearing on either side and perused the papers.

5.On a perusal of the records, it is seen that the petitioner was working as Assistant Surgeon and transferred to the Government Hospital, Palacode under the order dated 25/02/2011 by the 2nd respondent. But, the petitioner and did not join duty till date. She made a representation only on 25.11.2016 after a lapse of more than 5 years. Usually any transfer and posting orders issued is valid for a period of six months only from the date of issue. During enquiry conducted by the District Collector, Dharmapuri, the petitioner has not given any suitable reason for her unauthorised absent from duty. The doctors post in the Government Hospital is more needy and important one which provides uninterrupted medical care which involves the lives of poor public. On 01.09.2017, after a lapse of six years, the petitioner have sent a representation seeking permission to join at the Government



W.P.No.31499 of 2017

Hospital, Palacode. The secondary care institutions under the control of the Directorate requires specialty services for providing specialty treatment to the public and hence, these posts have been filled with specialty doctors only through transfer/posting counsellings. Therefore, the request of the petitioner permitting her to join duty at Government Hospital, Palacode is not feasible for considering at this juncture. Further, the representation of the petitioner has already been rejected. Therefore, nothing survives for adjudication in this matter. Hence, this Writ Petition is dismissed.

08.11.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
mps

To
1 The Director,
Public Health and Preventive Medicine,
DMS Compound, Annasalai,
Teynampet,
Chennai-06.

V.BHAVANI SUBBAROYAN, J,



WEB COPY



W.P.No.31499 of 2017

mps

- 2 The Director,
Directorate of Medical and Rural Health Services,
DMS Compound, Annasalai,
Teynampet,
Chennai-06.

W.P.No.31499 of 2017

08.11.2023