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W.P.No.31478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31478 of 2022 and W.M.P. Nos.30942 and 30944 of 2023

S.Suvela

... Petitioner

Vs

1.The Director of Medical and Rural Health Service,
(ESI) Tenampet,
Chennai-6.

2.The Regional Administrative Medical Officer (ESI),
Shanthi Nagar,
Jamalia Nagar, Jamalia,
Perambur, Chennai-12.

3.Chief Medical Officer,
ESI Dispensary,
Egmore @ Chetpet,
Chennai – 600 031.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari pertaining to the order passed by the first respondent in his Proceedings in Ref. No.25245/ESI/E1/1/2022 dated 09.11.2022 and consequential reliving order passed by the third respondent in Ref.No.321/E/2022 dated 18.11.2022 and quash the same.



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For Petitioner : Mr.B.Balavijayan for
M/s.C.S.Associates

For Respondents : Mr.S.Rajesh,
Government Advocate

ORDER

The petitioner, who was serving as a Senior Civil Surgeon in the ESI Dispensary, Egmore at Chennai, has come to this Court, challenging the impugned transfer order dated 09.11.2022 and relieving order dated 18.11.2022. As per the impugned transfer order, she has been relieved from ESI Dispensary, Egmore on 18.11.2022 F.N. itself.

2.The learned counsel for the petitioner submitted that the present transfer order has been made with a malafide intention of depriving her promotion to the post of Chief Medical Officer. He further submitted that after the present transfer order was made, the respondents had permitted her to join the ESI Dispensary at Saidapet and she has also accordingly joined therein.

3.The limited prayer sought for in the present writ petition is a challenge to the transfer order alone. The deprivation of promotion would



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give rise to the fresh cause of action, to which the petitioner, if aggrieved, would be entitled to challenge the same.

4.Since the denial of promotion cannot be decided in the subject matter of the present impugned order, no effective order can be passed on the submissions made in this regard.

5.Accordingly, the writ petition stands closed with liberty to the petitioner to challenge any further cause of action that may deprive of her promotion to the post of Chief Medical Officer. Consequently, connected W.M.Ps stand closed. No costs.

06.06.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

vga



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M.S.RAMESH,J.

vga

To

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