



W.P.No.32244 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32244 of 2022
and W.M.P.Nos.31644 & 31645 of 2022

N.Sivakumar

...Petitioner

Vs

1. The Director of Public Health and Preventive Medicine,
At the office of Director of Public Health and
Preventive Medicine, D.M.S. Compound,
Chennai – 600 006.
2. The Deputy Director of Health Services,
At the office of Deputy Director of
Health Services, Thindal,
Erode, Erode District – 638 012.
3. The Deputy Director of Health Services,
At the Office of Deputy Director of
Health Services,
Thiruppur, Thiruppur District.
4. The Deputy Director of
Medical Services (TB),
At the office of Deputy Director of
Medical Services,
Government Hospital Campus, Erode,
Erode District.



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5. S.Jayaprakasam

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertains to the impugned order dated 18.11.2022 passed by the 1st respondent herein vide proceedings R.No.3176311/MP4/S3/2022, quash the same and consequently direct the 1st respondent herein to transfer the petitioner from the office of the 2nd respondent herein to the office of the 4th respondent herein as Health Educator with all service benefits within a short time.

For Petitioner : Mr.J.Ramakrishnan

For Respondents : Mr.Stalin Abimanyu
Additional Govt. Pleader [R1 to R4]

ORDER

The prayer sought for in this Writ Petition is to quash the impugned proceedings of the first respondent dated 18.11.2022 made in R.No.3176311/MP4/S3/2022 and consequently direct the 1st respondent to transfer the petitioner from the office of the 2nd respondent to the office of the 4th respondent herein as Health Educator.



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2. The petitioner, aggrieved against the transfer of the fifth respondent from Thiruppur to Erode, has filed this writ petition. According to the petitioner, he had joined the service much prior to the fifth respondent, who had put only one year of service at Thirppur and therefore, he claims priority in transfer. In this background, he has challenged the order of transfer made in favour of the fifth respondent herein.

3. The learned Additional Government Pleader placed reliance on the counter affidavit filed by the respondents and submitted that as per the Government Letter dated 12.02.1999, preferential transfer can be extended to a Government employee whose spouse is also a government employee and posted in a different place. In this background, when the fifth respondent had sought for transfer by producing his spouse service certificate, they had considered his request and transferred him.

4. The transfer is not an aspect of service, to which seniority could be applied. Even otherwise, when the Government regulations extends preference to their employees, who seek transfer on the ground that their



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spouse is posted in some other place, priority can be extended to them.

5. In this background, the respondent has passed an order in favour of the fifth respondent in accordance with Government letter.

6. In view of the matter, no illegality or other infirmity can be imputed on such a transfer made. Thus, I do not find any reason to interfere with the transfer order made in favour of the fifth respondent.

7. Accordingly, this writ petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

06.11.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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M.S.RAMESH,J.

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