



WP No.31721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

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Dr.S.Shobhana

... Petitioner

versus

- 1.Union of India,
by its Secretary,
Ministry of Labour and Employment,
Shram Shakthi Bhawan, Rafi Marg,
New Delhi-110 001.
- 2.Employees' State Insurance Corporation,
By its Director General,
Panchdeep Bhawan,
CIG Marg,
New Delhi-110 002.
- 3.Employees' State Insurance Corporation,
Medical Administration Branch,
By its Deputy Director,
Panchdeep Bhawan, CIG Marg,
New Delhi-110 002.



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4.ESIC Medical College & Hospital

By is Dean,

K.K.Nagar, Chennai-600 078.

5.ESIC Medical College & Hospital,

By its Dean,

Sanath Nagar,

Hyderabad, Telangana- 500 038.

6.The Registrar,

Central Administrative Tribunal,

Chennai Bench,

Chennai-600 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari to call for the records relating to the impugned order passed by the Tribunal in the Original Application in OA No.463 of 2023 dated 18.10.2023 confirming the impugned order issued by the third respondent in Office Order No.59 of 2023 dated 20.05.2023 and to quash the same insofar as the petitioner is concerned.

For the Petitioners :Mr.G.Sankaran,
Senior Counsel
for Neduncheziyan

For the Respondent :Mr.A.R.L.Sundaresan
Assistant Solicitor General of India
for Mr.S.Makesh,
Central Government Standing Counsel
for first respondent
Mr.K.Prabakar,
Standing Counsel for ESI
for respondent Nos.2 to 5
R6 Tribunal



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ORDER

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(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

Challenging the orders passed by the Tribunal in OA No.463 of 2023, confirming the impugned transfer order passed by the third respondent in office order dated 62/2023, dated 20.05.2023, the present writ petition has been filed.

2. By consent of parties, this writ petition is taken up for final disposal at the admission stage itself.

3. Mr.A.R.L.Sundaresan, learned Additional Solicitor General of India, takes notice for the first respondent. Mr. Prabakar, learned Standing Counsel for the Employees' State Insurance Corporation, takes notice for respondents 2 to 5.

4. The learned counsel appearing for both side submitted before this Court that the grievance/representation of the petitioner, with regard to the



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impugned transfer order has been pending before the Transfer Grievance Redressal Committee. Further, it is submitted by them that, in similar matters in W.P.No.31570, 31592/2023, dated 03.11.2023, this Court has passed the order and hence, on the same line, orders may be passed in this writ petition.

5. In the above said W.P.No.31570, 31592/2023 dated 03.11.2023, this Court has passed the following order.

"5. The learned senior counsel appearing for the petitioners submitted that, as per clause 12 of the Transfer policy, dated 20.06.2022, the petitioners have submitted their grievance separately before the Transfer Grievance Redressal committee, as against the impugned transfer order, however, it has not been considered by them. Further, he fairly submitted before this Court that, since the grievance made by the petitioners are still pending before the Transfer grievance Redressal Committee, without going into the merits of the order passed by the Tribunal, it is suffice to direct the said Committee to consider the representations/grievances made by the petitioners, within a stipulated time, as directed by this Court.

6. The learned Additional Solicitor General appearing for the respondents submitted that, as per the transfer policy, the respondents are having every right to pass the transfer order, transferring the medical



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officers from one institution to another institution and also from one State to another State. He further submitted that, the grievances/representations made by the petitioners will be considered by the Transfer Grievance Redressal Committee, on its own merits and in accordance with law, within a time frame, as stipulated by this Court.

7. Considering the fact that the grievance/representation made by the petitioners are still pending before the Transfer Grievance Redressal Committee and also the submission made by the learned counsel for both side, without going into the merits of the case, we direct the second respondent to give necessary instructions to the said Committee, which is under their control, to consider the petitioners' grievances/ representations and take appropriate decision independently, on its own merits and in accordance with law, without influencing any of the observations made by this Court in this order, within a period of two weeks from the date of receipt of a copy of this order. Further, if the petitioners are having any additional particulars, the same shall be submitted to the said committee, within two days from the date of receipt of a copy of this order. Status-quo to be maintained, till the date of orders passed by the Transfer Grievance Redressal Committee on the grievances/representations made by the petitioners.

8. With the above observations, W.P.Nos.31570, 31592/2013 are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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6. Accordingly, this writ petition is disposed of by directing the second respondent to give necessary instructions to the said Committee which is under their control, to consider the petitioner's grievances/ representation and take appropriate decision independently, on its own merits and in accordance with law, without being influenced by any of the observations made by this Court in that order, within a period of two weeks from the date of receipt of a copy of this order. Further, if the petitioners are having any additional particulars, the same shall be submitted to the said committee, within two days from the date of receipt of a copy of this order. Status-quo to be maintained, till the date of orders passed by the Transfer Grievance Redressal Committee on the grievances/representations made by the petitioner. No costs. Consequently, WMP Nos.31350 and 31351 of 2023 are closed.

[D.K.K., J.] [P.D.B., J.]
06.11.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn



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