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W.P.No.31766 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.P.Nos.31766 of 2023 and

WMP Nos.31388 to 31390 of 2023

1. Dr.G.Sugapriya
2. Dr.Deivasigamani Kuberan
3. Dr.Pankaj Surana
4. Dr.S.Vanithamani
5. Dr.Maya Menon
6. Dr.N.S.Rajarajan
7. Dr.S.Snekalatha

... Petitioners

Vs.

1. The Union of India,
Rep. by its Secretary,
Ministry of Labour and Employment,
Shram Shakthi Bhawan, Rafi Marg,
New Delhi 110 001.
2. The Director General,
Employees' State Insurance Corporation,
Panchdeep Bhawan, Comrade Indrajeet Gupta (CIG) Marg,
New Delhi 110 002.



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3. The Deputy Director (Medical Administration),
Employees' State Insurance Corporation,
Panchdeep Bhawan, Comrade Indrajeet Gupta (CIG) Marg,
New Delhi 110 002.

4. The Dean, ESIC Medical College & Hospital,
K.K.Nagar, Chennai 600 078.

5. The Registrar, Central Administrative Tribunal,
Chennai Bench, Chennai 600 104.

... Respondents

6. Dr.Ilango Ganesan

... Given up Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the Tribunal in O.A.No.492/2023, dated 18.10.2023, confirming the impugned order issued by the third respondent in Office Order No.62/2023, dated 20.05.2023 and to quash the same, in so far as the petitioners are concerned.

For petitioners : Mr.G.Sankaran, Senior Counsel

For Respondents : Mr.A.R.L.Sundaresan,

Assistant Solicitor General

for Mr.S.N.Parthasarathi

Senior Central Government standing counsel

for first respondent

Mr.K.Prabhakaran, Standing Counsel

for respondents 2 to 4.



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ORDER

WEB COPY (Order of the Court was delivered by D.KRISHNAKUMAR, J.)

Challenging the orders passed by the Tribunal in O.A.Nos.492/2023 dated 18.10.2023, confirming the impugned transfer order passed by the third respondent in office order dated 62/2023, dated 20.05.2023, the present writ petitions have been filed.

2. The learned Assistant Solicitor General takes notice for the respondents and by consent of both the counsel, this matter has been taken up for final disposal at the admission stage itself.

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



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4. 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 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



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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.

5. Accordingly, this writ petition is disposed of, in accordance with the orders passed by this Court in W.P.No.31570, 31592/2013, dated 03.11.2023. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.)

(P.D.B.J.)

07.11.2023

Internet: Yes/No

Index : Yes/No



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