



W.A.(MD).No.1136 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.1136 of 2022
and C.M.P.(MD).No.8981 of 2022

Jency

.. Appellant/Writ Petitioner

Vs.

- 1.The Mission Director,
State Health Mission,
Chennai.
- 2.The Director of Public Health and Preventive Medicine,
Chennai.
- 3.The District Collector/District Health Society,
Tiruchirappalli,
Tiruchirappalli District.
- 4.The District Collector/District Health Society,
Madurai,
Madurai District.
- 5.The Deputy Director of Health Services,
Tiruchirappalli,
Tiruchirappalli District.



W.A.(MD).No.1136 of 2022

6.The Deputy Director of Health Services,
Madurai,
Madurai District.

...Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 17.08.2022 in W.P.(MD).No.6021 of 2022 on the file of this Court.

For Appellants : Ms.A.Arul Jenifer
For M/s.K.Baalasundharam

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The order dated 17.08.2022 passed in W.P.(MD) No.6021 of 2022 is under challenge in the present Writ Appeal.

2. The appellant was appointed as District Consultant of the District Tobacco Cell, Madurai. The Cell has been controlled by the District Collector and the post is falling under District Health Society. Admittedly, the appellant was appointed on consolidated pay salary. It is a contractual



W.A.(MD).No.1136 of 2022

employment. The appellant was diverted on her request to District Tobacco Control Cell, Tiruchirappalli, on contract basis until further orders.

3. Learned counsel for the appellant made a submission that the appellant was diverted to Tiruchirappalli based on the request application submitted by her and therefore, diverting the appellant back to Madurai is improper.

4. Learned Single Judge considered the issues and made a finding that the transfer of the appellant from Madurai to Tiruchy was only by way of a diversion and the appellant is working as a consolidated pay salary employee. Therefore, the said diversion would not provide the appellant any right to continue or remain in the District Tobacco Control Cell at Tiruchirappalli.

5. Diversion of consolidated pay employees are made for effective implementation of the Schemes. The authorities will be the best persons to decide and extract work for the purpose of implementing the Scheme



W.A.(MD).No.1136 of 2022

effectively. High Court cannot entertain such Writ Petitions nor issue a direction to retain the appellant at Tiruchirappalli as per the order of diversion passed by the competent authorities.

6. Thus, we do not find any infirmity in respect of the order passed by the learned Single Judge dated 17.08.2022, in W.P.(MD) No.6021 of 2022. Consequently, the Writ Appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

(S.M.S.,J.) (V.L.N.,J.)
20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ

To

1.The Mission Director,
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Chennai.

2.The Director of Public Health and Preventive Medicine,
Chennai.

3.The District Collector/District Health Society,

Page 4 of 6



W.A.(MD).No.1136 of 2022

Tiruchirappalli,
Tiruchirappalli District.

WEB COPY

4.The District Collector/District Health Society,
Madurai,
Madurai District.

5.The Deputy Director of Health Services,
Tiruchirappalli,
Tiruchirappalli District.

6.The Deputy Director of Health Services,
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W.A.(MD).No.1136 of 2022

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and
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W.A.(MD).No.1136 of 2022

20.12.2023