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W.P.No.33155 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.33155 of 2022
and W.M.P.Nos.32561 and 32562 of 2022

Dr.N.Singaravelu

... Petitioner

-Vs-

1. The Director of Medical and Rural Health Services,
Office of the Director of Medical and
Rural Health and Services,
DMS Complex,
Anna Salai,
Chennai-6.

2. The Joint Director,
Medical and Rural Health Services,
Vellore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records in respect of the order passed by the first respondent dated 21.11.2022 in Ref.No.GB887/E3/1/2022 and quash the same and consequently, direct the first respondent to allow the petitioner on duty to work at Government Head Quarters Hospital, Walajapet.



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For Petitioner : M/s T.Sreelekha

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 21.11.2022 in Ref.No.GB887/E3/1/2022, thereby transferred the petitioner from the Government Head Quarters Hospital, Walajapet, Ranipet to Government Hospital, Uthangarai, Krishnagiri District.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as Assistant Surgeon in the year 1999 and subsequently, he was promoted as Senior Civil Surgeon. Lastly, he served as a Senior Civil Surgeon at Government Head Quarters Hospital, Walajapet, Ranipet District. He was deputed to the Government Hospital, Anaicut, Vellore in the year 2021 and again he was deputed to Government Hospital, Arcot, Ranipet District. Now, he has been transferred from Government Head Quarters, Walajapet to Government Hospital Uthangarai, Krishnagiri District.



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4. The only ground raised by the learned counsel for the petitioner is that no reason has been mentioned in the transfer order and it was also passed in the middle of the Academic Year. He is also suffering with various ailments including heart disease. She also produced the medical certificate issued by an Assistant Surgeon, who is working in the Government Head Quarters Hospital, Walajapet, Ranipet District.

5. A perusal of the counter filed by the first respondent revealed that the petitioner was working as Senior Civil Surgeon at Government Headquarters Hospital, Walajahpet from 22.08.2016 onwards. He submitted a representation in the year 2021 and 2022, thereby seeking diversion to nearby hospitals in the Vellore district, as he suffered with various ailments. Only on his request, he was deputed to Anaicut and Arcot. Before conducting the promotion counselling, the transfer counselling is being held every year during the month of May. Due to non-availability of vacancies in the post of Senior Civil Surgeon, the application submitted by the petitioner was not considered during the transfer counselling. Therefore, he was transferred to the post of Senior Civil Surgeon, Government Hospital, Uthangarai, Krishnagiri District on administrative reason.



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6. It is not the case of the petitioner that in order to wreck vengeance as against the petitioner with malafide reasons, he was transferred. Only due to administrative reasons, he was transferred. Accordingly, the petitioner was relieved immediately and he had not joined till now. It shows that he is residing in the same place without joining in the transferred place and he being a D.Ortho Doctor, did not want to go out from the station for the reasons best known to him.

7. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent dated 21.11.2022 in Ref.No.GB887/E3/1/2022 and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

30.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



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To

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G.K.ILANTHIRAIYAN. J,

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