



W.P.(MD)No.15508 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15508 of 2024 &
W.M.P.(MD)No.13554 of 2024

G.Kishore Kumar

... Petitioner

vs.

- 1.The Director of Medical and Rural Health Services,
3rd Floor, DMS Complex,
Teynampet, Annasalai,
Chennai - 600 006.
- 2.The Commissioner of Indian Medicine and Homeopathy,
Commissionerate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai - 600 106
- 3.The Joint Director of Indian Medicine and Homeopathy,
Commissionerate of Indian Medicine and Homeopathy,
Arumbakkam, Chennai - 600 106.
- 4.The Principal,
Government Ayurveda Medical College Hospital,
Kottar, Nagercoil,
Kanyakumar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari calling for the entire records



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pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Ref.No. 12613/E2/3/2022 dated 25.06.2024 and quash the same.

For Petitioner : Mr.A.Kesavan

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.A.Kesavan, learned counsel appearing for the petitioner and Mr.J.Ashok, learned counsel appearing for the respondents.

2. The petitioner has filed this writ petition seeking to quash the impugned order passed by the 2nd respondent in Ref.No. 12613/E2/3/2022 dated 25.06.2024.

3. The petitioner who has been working as an Office Superintendent at Government Ayurveda Medical College and Hospital, Kottar, Nagercoil was transferred to District Siddha Medical Office, Thoothukudi vide the impugned order. Hence, the petition.



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4. Mr.A.Kesavan, learned counsel appearing for the petitioner submitted that transfer is not due to the petitioner as the petitioner has not completed three years period in Kottar. It is further submitted that the petitioner has not given any option or willingness to participate in the general transfer counselling. However, the petitioner has been transferred without any reason on 25.06.2024 and he has been placed at Thoothukudi even though there are vacancies in the same District.

5. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submitted that transfer is incidence of service and the petitioner cannot challenge the same.

6. The transfer order does not say that the petitioner has been transferred on administrative grounds. The petitioner has been transferred even when he has not completed three years of service in one particular place. To be noted, the petitioner has neither made a request to be transferred to some other place nor submitted his willingness to take part in the general transfer counselling.



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7. It is learnt that from the submission of the learned Additional Government Pleader that at the request of the fourth respondent, the petitioner has not been relieved from his Office. Further, the fourth respondent has given good opinion about the petitioner and has written a letter to the second respondent to cancel the impugned transfer order, in view of the administrative difficulty that might be faced at the Office of the fourth respondent.

8. Since the petitioner has not been relieved, he can give a fresh representation to the second respondent to cancel the transfer order in order to be retained at the fourth respondent Office itself.

9. In view of the above observations, the writ petition is **disposed of** and the petitioner is liberty to give a representation to the second respondent to cancel the impugned transfer order within a week from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall take a call and pass orders to cancel the impugned transfer order within a period of two weeks thereon. No costs.



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Consequently, connected Miscellaneous Petition is closed.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

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R.N.MANJULA, J.

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