



WEB COPY

WA No. 3938 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
&
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WA No. 3938 of 2025
&
CMP NO. 32055 OF 2025**

M.R.Parthiban
Staff Nurse,
S/O. Rajapandi,
Working At (ON Diversion Duty)
Government Hospital,
Chinnamannur,
Theni District 625526

..Appellant

Vs

1. The Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai 09
2. The Director,
Directorate of Medical Education,
Poonamallee High Road,
Kilpauk
Chennai 10
3. The Director,
Medical And Rural Health Services,
DMS Campus ,
Teynampet ,
Chennai 06
4. The Director,



Medical Education and Research,
Kilpauk , Chennai

5. The Director,
Institute of Mental Health,
Kilpauk, Chennai
6. The Joint Director,
Medical And Rural Health Services,
Periyakulam,
Theni District
7. The Medical Officer,
Govt.Hospital,
Chinnamanur,
Theni District.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by the learned Judge in WP.No.43729 of 2025 on 12-11-2025.

For Appellant (s): Fr.Xavier Arulraj,
Senior Counsel for
Ms. P.Anuradha

For Respondent(s): Mr.M. Bindran,
Addl. Govt. Pleader

JUDGMENT

(Order of the Court was made by R.Suresh Kumar J.)

This Intra Court Appeal has been preferred against the order of the Writ Court, dated 12.11.2025 made in W.P.No.43729 of 2025.

2. The Appellant was the Writ Petitioner, who was appointed as a Staff



Nurse on contract basis and after he was worked for some years, his services got regularised in the year 2017 and from the year 2018, the Appellant/Writ Petitioner, had been on deputation in serving in the Government Hospital at Chinnamanur, Theni District.

3. While that being so, based on a decision taken in this regard, those who had been in deputation for more than four years, such a deputation or diversion can be cancelled and those who are on deputation can be directed to join in their original place of posting. Pursuant to such a decision taken by the Head of the Department, an order directing the Writ Petitioner/Appellant to join in the original place has been passed on 28.10.2025 and the said order was impugned before the Writ Court.

4. The ground urged before the Writ Court on behalf of the Writ Petitioner/Appellant was that the Appellant/Writ Petitioner is having a three years old child for which, Ayurvedic treatment is being provided for the ailment suffered by the child, that is available only in the area at Theni District. That is the reason, why for completion of the said treatment, he needs some more months at the maximum of six months and within the said period, once the treatment is completed, he will be ready and willing to join in the original place of posting some time in first week of June 2026.



5. Though such a ground was urged, that was not accepted by the learned Writ Court and by giving the reason that the best medical treatment comparing with Theni District, since would be available only at the Head Quarters, that is at Chennai and he would be posted only at Chennai, he can immediately join there. Therefore, by citing the reason, the learned Single Judge has rejected the said Writ Petition through the impugned order.

6. We have heard Mr. Fr.Xavier Arulraj, learned Senior Counsel for Mrs.P.Anuradha appearing on behalf of the appellant and Mr. M.Bindran, learned Addl. Govt. Pleader appearing for the respondents.

7. Since four years have already been over after deputation to Theni and the Writ Petitioner had been there for four years at Theni District, he cannot, as a matter of right, seek for further time to stay back at Theni District, i.e. Government Hospital at Chinnamanur.

8. But at the same time, since the 3 years old child is suffering with some ailment, for which, the Ayurvedic Treatment is being provided and for completion of the treatment, since the petitioner seeks for only further six months extension to retain the Writ Petitioner/Appellant at Chinnamanur at Theni District, such a request could have been considered positively by the respondents which they have refused to consider and this aspect has also not



been considered in proper perspective by taking into account of the peculiar facts of the case by the learned Writ Court.

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9. In that view of the matter, We are inclined to dispose of this Writ Appeal with the following order .

(i) That the impugned order, therefore, for the reasons stated above, is set aside.

(ii) As a result of which, there shall be a direction to the respondents to permit the Writ Petitioner/Appellant to continue in the present place i.e., the Government Hospital at Chinnamanur, Theni District for a further period up to 31st May 2026 with a condition that on 1st June 2026, he shall report duty to the respondents at Head Quarters, ie., at Chennai without fail.

10. With the above conditions, the Writ Appeal is ordered accordingly.

There shall be no orders as to costs. Consequently, the connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
17-12-2025

msr

Internet: Yes/No

Speaking order/non speaking order



To

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Chennai 09

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Note: Issue copy on
19.12.2025



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&
SHAMIM AHMED J.**

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