



WP(MD)No.26669 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.26669 of 2022
and
WMP(MD)No.6072 of 2023**

D.S.Radhika

... Petitioner

Vs

- 1.The Secretary to Government,
Health, Medical and Family Welfare Department,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Public Health and Preventive Medicine,
Directorate of Public Health and Preventive Medicine,
DMS Campus, Teynampet,
Chennai – 600 006.
- 3.The Director,
Tamil Nadu State Health Transport Department,
Guindy, Chennai – 600 032.
- 4.The Workshop Superintendent,
Office of the Workshop Superintendent,
Regional Workshop (Health),
Tiruchirappalli – 620 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records pertaining



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to the impugned order in R.No.10405/DA/S1/2022, dated 18.06.2022 on the file of the respondent No.2 and quash the same as illegal.

For Petitioner : Mr.M.Karthik

Legal Aid Counsel

For Respondents : Mr.K.Balasubramani,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of transfer passed by the second respondent in R.No.10405/DA/S1/2022 dated 18.06.2022.

2.The learned Legal Aid Counsel submits that the petitioner is a Superintendent in the Regional Workshop (Health), Tiruchy has been transferred to Tirunelveli. Challenging the same the petitioner has filed this writ petition.

3.The learned Special Government Pleader appearing for the respondent submits that the petitioner was placed under suspension by issuing with a charge memo under Section 17(b) of the Tamil Nadu Civil



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Services (Discipline and Appeal) Rules while she was working as Superintendent in the Regional Workshop (Health), Tiruchy. Subsequently the suspension order has been revoked and she was posted at Government Primary Health Centre, Tisayanvilai, Tirunelveli, since there is no vacancy at Trichy, she has been posted at Tirunelveli pending the departmental proceedings. Challenging the same this writ petition has been filed.

4.This Court considered the rival submissions made.

5.When this writ petition was taken up for hearing on 12.11.2024, the learned counsel appearing for the petitioner submitted that the petitioner received the case papers back and therefore, he is not having any instructions. He has also filed a memo to that effect. Therefore, this Court directed the Registry to list this writ petition in the name of the petitioner and directed the learned counsel for the petitioner and the respondents to inform the petitioner about the listing of this case.

6.The learned Government Pleader produced a letter received from



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the officials of the District Health Office, Trichy, that the petitioner refused to receive the intimation provided by them and therefore, it was pasted on her house on 15.11.2024.

7. It appears that the petitioner was served with notice. Even then, she has not appeared before this Court. This Court felt that the petitioner might have frustrated with this issue and therefore, she neither joined duty nor represented before this court. Therefore, this Court by order dated 27.11.2024 appointed Legal Aid Counsel to represent the petitioner.

8. Contemplating departmental proceedings the petitioner has been placed under suspension and subsequently it has been revoked. Pending the departmental proceedings, she has been posted at Tirunelveli. This order is under challenge. In this case, no interim order was granted by this Court and it is reported that the petitioner has not joined duty in the transferred place. Transfer is incidental and also a condition to service. The Hon'ble Supreme Court in a catena of decisions has held that the transfer on administrative grounds cannot be interfered with as a



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matter of routine. The petitioner has not made out any case to interfere with the impugned order. Therefore, this Court is not inclined to entertain this writ petition. Accordingly this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

07.01.2025

DSK

To

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Directorate of Public Health and Preventive Medicine,
DMS Campus, Teynampet,
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B.PUGALENDHI.J.,

DSK

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