

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21676 of 2015

R.Ramabai

... Petitioner

-Versus-

- 1.The Director,
Director of Medical Education,
Kilpauk,
Chennai 600 010.
- 2.The Director,
Govt. Aringar Anna Memorial Cancer Hospital,
Karapettai,
Kancheepuram.
- 3.The Secretary to the Government,
Department of Health and Family Welfare,
Fort St. George,
Chennai 600 009.
- 4.The Accountant General,
Teynampet,
Chennai 600 018.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the 2nd respondent to dispose of the representation dated 29.06.2015 within the stipulated period prescribed by this court.

For petitioner : Mr.R.K.Ramaiah

For respondents : Mrs.M.E.Rani Selvam

ORDER

The petitioner joined the service of the 3rd respondent department on 28.04.1970 as a Staff Nurse. While she was working so, she was removed from service on 10.06.1997 on the ground of unauthorised absence. While so, on the appeal made by the petitioner, the Government passed an order in G.O.(D) No.939, Health and Family Welfare Department, dated 11.07.2001 modifying the punishment of

removal of the petitioner from service into one of "Compulsory Retirement". Now, the grievance of the petitioner is that though the order of removal from service has been modified into one of "compulsory retirement" she has not so far been settled with the terminal benefits payable on account of her retirement. She has , in fact, made representations to the 1st respondent on 29.06.2015 in this regard. But, there has been no response. Hence, she has come forward with this writ petition.

2. Heard both sides.

3. There is no dispute that the 1st respondent passed an order in G.O.(D) 939 dated 11.07.2001 modifying the order of punishment of removal of the petitioner from service into one of "compulsory retirement" and subsequently, by order in G.O.(D) No.1351 Health and Family Welfare (C1) Department, dated 20.11.2008 the Government in exercise of the powers conferred on it, relaxed certain rules and regulated the three spells of unauthorized absence of the petitioner from 13.10.1984 to 17.05.1985, 09.06.1985 to 30.05.1991 and 01.07.1991 to 15.07.1997 as extraordinary leave without Medical Certificate without pay and allowances. Admittedly, the petitioner has not been settled with the terminal benefits and she has sent several representation to the 1st respondent in this regard. In the above circumstances, though the writ petition is for a mandamus seeking to direct the 2nd respondent to consider the representation of the petitioner, in the interest of justice, this court is inclined to issue a positive direction to the 1st respondent to settle the terminal benefits including pension to the petitioner by considering his representations.

4. In the result, this writ petition is disposed of with a direction to the 1st respondent to settle the terminal benefits payable to the petitioner, if not paid, within a period of twelve weeks from the date of receipt of a copy of this order with interest as per the decision of this court reported in GOVERNMENT OF TAMIL NADU, REPRESENTED BY THE SECRETARY TO GOVERNMENT VS. M.DEIVASIGAMANI [2009 (3) MLJ 1]. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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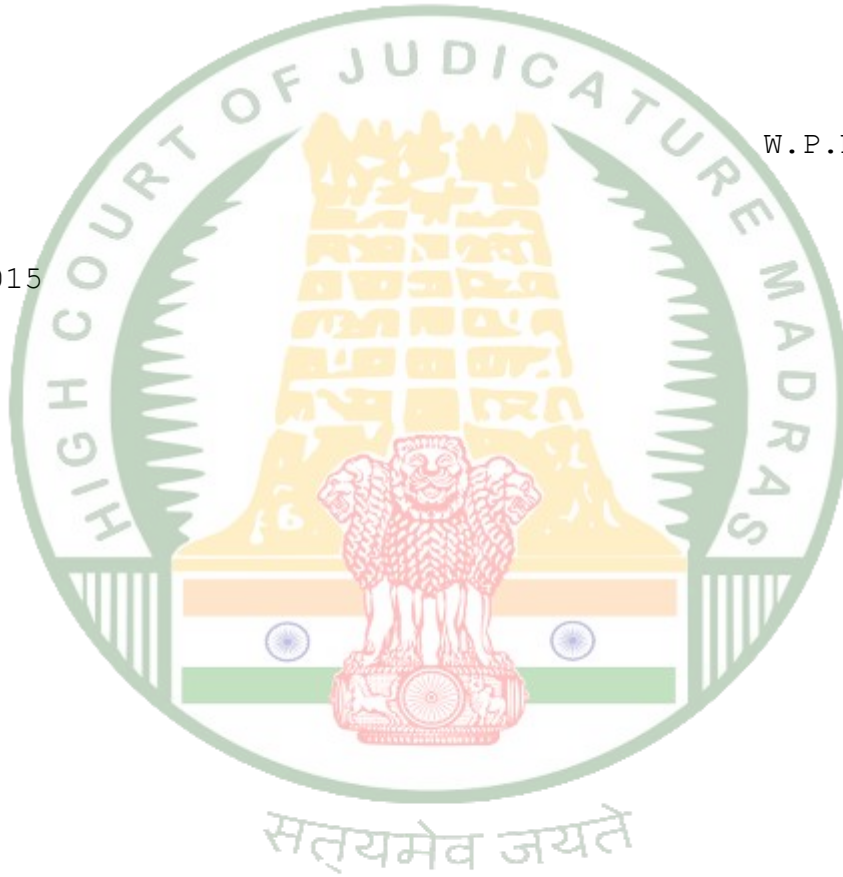
To

- 1.The Director, Director of Medical Education, Kilpauk, Chennai-10.
- 2.The Director, Govt. Aringar Anna Memorial Cancer Hospital,
Karapettai, Kancheepuram.
- 3.The Secretary to the Government, Department of Health and
Family Welfare, Fort St. George, Chennai 600 009.
- 4.The Accountant General, Teynampet, Chennai 600 018.

+1 cc to Government Pleader sr.37014
+1 cc to R.K.Ramiah Advocate sr.36998

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