

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24347 of 2015

G.Padma

.. Petitioner

Vs

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort. St. George, Chennai-9.
- 2.The Director,
Medical and Rural Health Services (ESI),
Chennai.
- 3.The Superintendent,
ESI Hospital, Coimbatore.
- 4.The Regional Administrative Medical Officer,
ESIS, Coimbatore.
- 5.The Chief Medical Officer,
ESI, Dispensary,
Madhukarai, Coimbatore District.

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the third respondent namely the Superintendent, ESI Hospital, Coimbatore 641 015 to consider and pass orders on the representation submitted by the petitioner before him on 06.03.2015 within a stipulated time.

For Petitioner .. Mr.A.G.Rajan

For Respondents .. Mr.V.Subbiah,
Spl. Govt. Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that her husband late R.Gurusamy was working as Pharmacist in various Government Hospitals (ESI) in Tamil Nadu for more than 30 years without any blemish. However, during the course of his employment between 2001 and 2005, certain allegations cropped up against him on the basis of the complaint given by the Regional Administrative Medical Officer (ESI), Coimabtoe and he was placed under suspension on 16.02.2015. Later on, the suspension order was revoked and he was reinstated in service, followed by disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Before issuing final orders, the husband of the petitioner attained the age of superannuation on 31.12.2011 and prior to that, he was placed under suspension on 23.12.2011 and his services were also retained.

3.Ultimately, the disciplinary proceedings culminated into the punishment of compulsory retirement. The petitioner's husband has also submitted a representation to review the punishment and pending disposal of the same, he died on 16.01.2015. Thereafter, the petitioner submitted a representation dated 06.03.2015 to the third respondent to confer with her the family pension and other terminal benefits due and payable. Since no orders have been passed, the petitioner came forward to file the present writ petition.

4.Heard the submissions of Mr.A.G.Rajan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the third respondent to consider and dispose of the petitioner's representation dated 06.03.2015 in accordance with law and pass orders, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort. St. George, Chennai-9.
 - 2.The Director,
Medical and Rural Health Services (ESI),
Chennai.
 - 3.The Superintendent,
ESI Hospital, Coimbatore.
 - 4.The Regional Administrative Medical Officer,
ESIS, Coimbatore.
 - 5.The Chief Medical Officer,
ESI, Dispensary,
Madhukarai, Coimbatore District.
- + 1 cc to MR.A.G. Rajan, Advocate SR.40985
+ 1 cc to Government Pleader Sr.41219

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GGK(CO)
Eu 31.08.15



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