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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.14911 of 2015

and

M.P(MD)No.1 of 2015

G.R.Ravikumar

... Petitioner

Vs.

1.The Joint Director,
Medical and Rural Health Service,
O/o.Joint Director of Medical and
Rural Health Service,
Ramanathapuram.

2.Chief Civil Surgeon,
Medical Officer,
Government Hospital,
Paramakudi,
Ramanathapuram District.

3.Mr.Nandakumar,
District Collector,
Ramanathapuram District.

.. Respondents

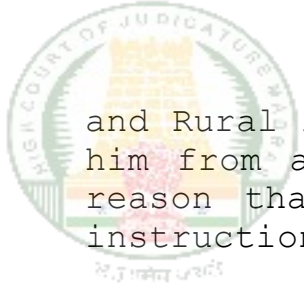
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order vide Na.Ka.No.241/Ni.1/2015, dated 23.07.2015 passed by the second respondent and the consequential impugned order vide Ref.No.3099/E 1/2015, dated 28.07.2015 passed by the first respondent and quash the same and consequential direction to the first and second respondent to hand over the charge as Medical Officer of Government Hospital, Paramakudi.

For Petitioner
For Respondents

: Mr.D.Shanmugaraja Sethupathi
: Mr.R.Anandharaj
Govt. Advocate

O R D E R

This writ petition filed challenging the impugned order, dated 28.07.2015 vide Ref.No.3099/E1/2015, in and by which, the Joint Director, Medical and Rural Health Service, Ramanathapuram directed the petitioner to report before the Director of Medical



and Rural Health Services regarding further duties after relieving him from all duties from Government Hospital, Paramakudi for the reason that he is repeatedly going on Medical Leave even after instruction from District Collector.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The learned counsel for the petitioner would submit that the Joint Director, Medical and Rural Health Service, the first respondent herein at the oral instruction of District Collector, Ramanathapuram ought not to have passed the impugned order affecting the service condition of the petitioner. Adding further, he would submit that the first respondent, the Joint Director, Medical and Rural Health Service, Ramanathapuram does not have any authority or administrative control over the service of the petitioner. Moreover, the impugned order, all of a sudden relieving him from all duties from 29.07.2015 from the post of Chief Civil Surgeon, Government Hospital, Paramakudi, would amount to punishment without conducting any enquiry, because no notice or personal hearing was given before passing the impugned order. Hence, the impugned order passed by the first respondent without conducting any enquiry is liable to be interfered with.

4. The learned counsel for the petitioner further submitted that the first respondent passed the impugned order at the instance of the second respondent, the Chief Civil Surgeon, Medical Officer, Government Hospital, Paramakudi with malafide intention to ensure that the second respondent can be given the charge of Medical Officer of Paramakudi Government Hospital. But the impugned order, dated 28.07.2015 does not show that the first respondent has passed the order in order to help the second respondent.

5. Prima facie it appears from the records that the petitioner went on medical leave from 23.07.2015 for some illness. Considering the fact that the petitioner is repeatedly going on Medical Leave even after instruction from the District Collector, Ramanathapuram, he was directed to appear before the Medical Board on 27.07.2015, again the petitioner sent a letter, dated 26.07.2015 seeking some more time on the ground of illness. Therefore, the first respondent finding that the petitioner neither appears before the Medical Board nor joins the duty causing inconveniences to the public at large for long time, took a decision to relieve him from all duties on the Fore noon of 29.07.2015 with further direction to report to Director of Medical and Rural Health Services regarding further duties. Therefore, the writ petition fails.



6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

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Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

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To

1. The Joint Director,
Medical and Rural Health Service,
O/o. Joint Director of Medical and
Rural Health Service,
Ramanathapuram.

2. Chief Civil Surgeon,
Medical Officer,
Government Hospital,
Paramakudi,
Ramanathapuram District.

3. Mr. Nandakumar,
District Collector,
Ramanathapuram District.

+1cc to Mr. D. Shanmugaraja Sethupathi, Advocate SR NO. 47742

W.P. (MD) No. 14911 of 2015
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