

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.29244 of 2016
& W.M.P.Nos.25279 & 25280 of 2016

B.Athilakshmi .. Petitioner
Vs.

1. Director of Medical and Rural Health Services,
Chennai - 600 006.
2. The Joint Director of Health Services,
Thiruvallur.
3. The Medical Officer,
Government Hospital,
Tirutani, Thiruvallur District. .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records in respect of the order passed by the first respondent dated 22.04.2015 in reference No.25190/SC1/2/2015 and the consequential order dated 28.04.2015 in reference No.25190/SC1/2/2015 and quash the same and consequently direct the first respondent to settle all the pensionary and retirement benefits to the petitioner.

For Petitioner : Mr.D.Rajagopal
For Respondents : Mr.Dig Vijay Pandian
Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the stage of admission itself.

2.This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the entire records in respect of the order passed by the first respondent dated 22.04.2015 and the consequential order dated 28.04.2015 and quash the same and consequently direct the first respondent to settle all the pensionary and retirement benefits to the petitioner.

3.The petitioner joined service as Staff Nurse in the year 1984 at Government General Hospital, Chennai and transferred to different places and was working as Nursing Superintendent at Tirutani Government Hospital from 2014. Based on certain allegations, she was suspended from service and was not permitted to retire on reaching the date of superannuation. However, on 22.04.2015, the Chief Medical Officer, Tirutani sent a communication to the Inspector of Police to furnish the case status and on 28.04.2015, they sent a status report stating that they are not going to include petitioner's name in the charge sheet. Thereafter, the petitioner made several representations to the respondents to revoke the suspension order but till date no orders have been passed and hence, the Writ Petition has been filed.

4.Mr.D.Rajagopal, learned counsel for the petitioner would submit that only F.I.R. has been registered and subsequently, the Investigating Officer has given a letter to the Department that the petitioner is not involved in the crime. He further submitted that the petitioner has already been superannuated and she was not permitted to retire because of the departmental proceedings and she would be satisfied, if her representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

5.Mr.Dig Vijay Pandian, learned Additional Government Pleader for the respondents has got no serious objection for directing the first respondent, who is the competent authority to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

6.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent, to consider the representation of the petitioner, dated 19.05.2015 and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7.The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

sri

To

1. Director of Medical and Rural Health Services,
Chennai - 600 006.

2. The Joint Director of Health Services,
Thiruvallur.

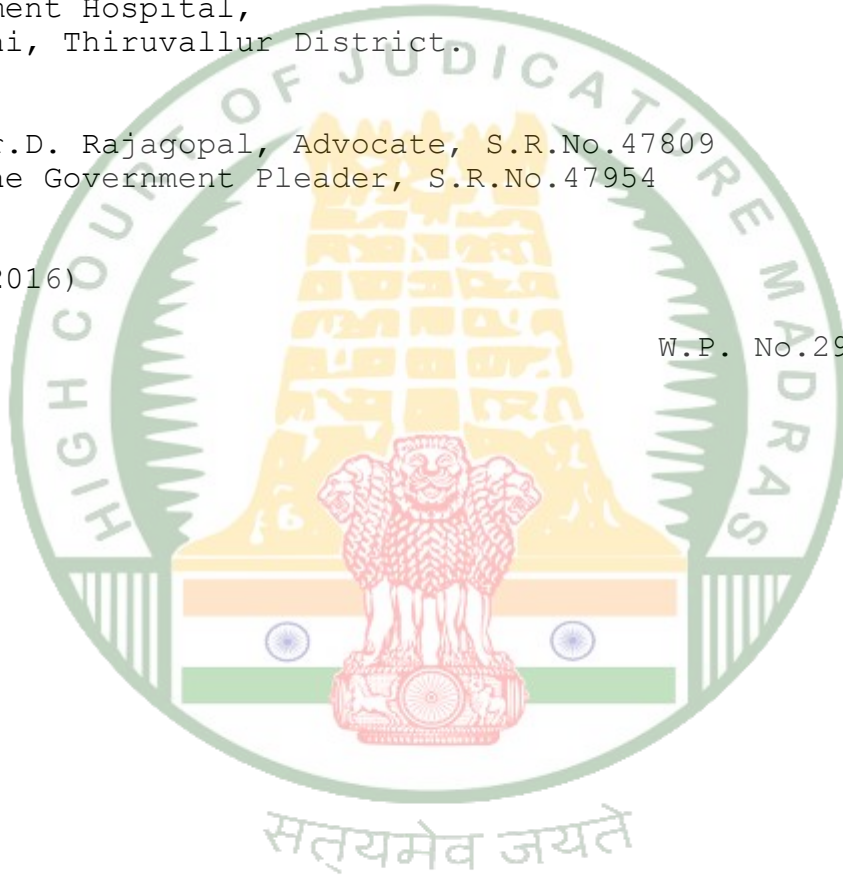
3. The Medical Officer,
Government Hospital,
Tirutani, Thiruvallur District.

+1cc to Mr.D. Rajagopal, Advocate, S.R.No.47809

+1cc to the Government Pleader, S.R.No.47954

GJII(CO)
EU(23/09/2016)

W.P. No.29244 of 2016



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