

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35619 of 2016
and
W.M.P.No.30612 of 2016

R.Chensulakshmi

... Petitioner

Vs.

The Director of Public Health
and Preventive Medicine,
Chennai - 600 006

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent in Rc.No.100378/DA/S4/15-1 dated 26.07.2016 and Rc.No.100378/DA/S4/15-2 dated 26.07.2016 and quash the same and direct the respondent to permit the petitioner to retire from service with effect from the date of attaining her superannuation, namely, 31.07.2016 and grant her all consequential benefits.

For Petitioner : Mr. P.Rajendran

For Respondents : Mr.K.Dhananjayan,
Spl. G.P.

O R D E R

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

2. The writ petition has been filed seeking Certiorarified Mandamus to call for the records relating to the impugned order of the respondent dated 26.07.2016 and quash the same and direct the respondent to permit the petitioner to retire from service with effect from the date of attaining her superannuation on 31.07.2016 and grant her all consequential benefits.

3. The petitioner was appointed as Multi-purpose Health Worker on 22.06.1984 at Palayampudur Primary Health Centre, B.Agraharam health Sub Centre, Dharmapuri District. Then, she was promoted as a Sector Health Nurse on 01.11.2012. While being so, she was suspended from service alleging that she failed to supervise the work of her subordinate Tmt.G.Dhanalakshmi,

Village Health Nurse, who misappropriated certain amounts payable to beneficiaries under the Muthulakshmi Reddy maternity Assistance Scheme. A charge memo dated 13.11.2015 was issued, by the Deputy Director of Health Services , Dharmapuri, to her to that effect and the petitioner had submitted her explanation denying the charges. But, no action was taken. On 20.06.2016 another charge memo was issued by the Deputy Director based on the same allegations except some variations in the amounts mentioned in the earlier charge memo, for which the petitioner submitted her explanation on 13.07.2016.

4. When the petitioner was due for retirement on attaining the age of superannuation on 31.07.2016, the respondent issued two orders namely, (i) R.No.100378/DA/S4/15-1 dated 26.07.2016 placing the petitioner under suspension and that a detailed enquiry and disciplinary action is pending and (ii) R.No.100378/DA/S4/15-2 dated 26.07.2016 not permitting her to retire from service until the conclusion of the departmental proceedings. Hence, the petitioner has come forward with the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

6. The learned counsel for the petitioner submitted that the petitioner is ready to face the enquiry and if a direction is given to the respondent to conclude the enquiry within a specified time, that would be sufficient.

7. In view of the same, this court, without going into the merits of the claim of the petitioner, directs the respondent to conduct enquiry and pass final order within a period of eight 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 claim projected by the petitioner and it is for the respondent to conduct enquiry purely on merits and in accordance with law.

8. With the above direction, the present writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mrp

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

The Director of Public Health
and Preventive Medicine,
Chennai - 600 006

+1 C.C. to M/S.P.RAJENDRAN Advocate SR.NO.57709

+1 C.C. to The Government Pleader, SR.NO.57826

W.P.Nos.35619 of 2016

GR (CO)
VS 12.11.2016



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