

In the High Court of Judicature at Madras

Dated: 11.02.2016

Coram:

The Honourable Mr.Justice T.RAJA

Writ Petition No.5081 of 2016

R.Devi Ramamurthy

... Petitioner

Versus

- 1 Government of Tamil Nadu
Rep. by its Agricultural Production
Commissioner and Secretary to Government
Fort St. George, Chennai 600 009.
- 2 The Commissioner of
Horticulture and Plantation Crops
Chepauk, Chennai 600 005. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents to conclude the Proceedings in respect of the Charge Memo dated 03.04.2013 bearing No.DCS1/3529/07 and Charge Memo dated 10.08.2006 bearing No.B1/14878/2006 issued to V.Ramamurthy, Assistant Director of Horticulture (Under Suspension) by passing final orders within the time frame stipulated by this Honourable Court and also to drop the audit objection by taking into account of the Medical Board recommendation dated 06.11.2015 bearing No. 25718/RMB/RGGGH/15.

For Petitioner .. Mr.Balan Haridas

For Respondents .. Mr.A.Kumar

Special Government Pleader

ORDER

This Writ Petition has been filed by the wife of Mr.V.Ramamurthy, against whom the respondent Department had initiated departmental proceedings by issuing a charge memo dated 10.08.2006 under Rule 17(b) of the Tamil Nadu Subordinate Services (Disciplinary and Appeal) Rules and also one another charge memo dated 03.04.2013 under Rule 17(b) of the Tamil Nadu Subordinate Services (Disciplinary and Appeal) Rules. Since the petitioner's husband has become invalid due to the impact of the accident happened in 2006, a request has been made to drop the charges, as he was unable to recollect anything happened in

the past and also he was not able to read or sign any document. Subsequently, he was also subjected to medical examination by the Medical Board. The Regional Medical Board constituted with the Doctors working in the Rajiv Gandhi Government Medical Hospital, Chennai, has also certified that the petitioner's husband is unfit to continue in Office. In the light of the above, the petitioner has given a representation to pass appropriate orders on the pending disciplinary proceedings. But till date, the respondents have not come forward to pass any final order. Therefore, the petitioner has come to this Court with the above Writ Petition.

2. It is also brought to the notice of this Court that the proceedings of the Regional Medical Board, Rajiv Gandhi Government Medical Hospital, Chennai, dated 06.11.2015 certifying that the petitioner's husband is unfit to perform his official duty. That apart, this Court has also directed the petitioner to approach the respondents seeking a direction to refer her husband to Medical Board to ascertain his mental condition. Accordingly, the petitioner has obtained the above mentioned certificate dated 06.11.2015.

3. In that view of the matter, putting on notice, the learned Special Government Pleader appearing for the respondents, the first respondent is hereby directed to consider the pending representation of the petitioner dated 19.12.2015 on the basis of the report of the Medical Board dated 06.11.2015 and pass appropriate orders on compassionate ground within a period of four weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of with the above directions. No costs.

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1 The Agricultural Production Commissioner
and Secretary to Government Fort St. George, Chennai 600 009.
- 2 The Commissioner of Horticulture and Plantation Crops
Chepauk, Chennai 600 005.

+ 1 cc to M/s. Balan Haridoss, Advocate SR 8934

+ 1 cc to Govt. Pleader SR 9132

ctk(co)
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