



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2016

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.10179 of 2016

E.Sundari Praba Rani

...Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.

2.The Director of Medical and Rural Health Services,
Chepauk, Chennai 600 006.

3.The Joint Director of Health Services,
District Government Hospital Campus,
Ramanathapuram.

...Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle all the Death cum Retirement benefits as well as sanction pension to the petitioner based on her representation dated 26.04.2016.

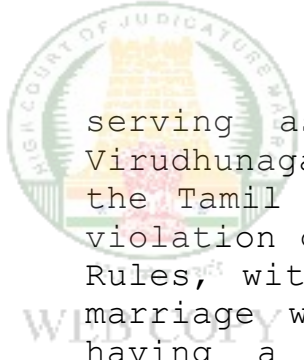
For Petitioner : Mr.K.Kumaravel
For Respondents : Mr.R.Anandharaj, G.A.

ORDER

Mr.R.Anandharaj, learned Government Advocate, takes notice for the respondents. By consent of both parties, the Writ petition itself is taken up for final disposal.

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

3.The petitioner namely, Mrs.E.Sundari Praba Rani, while



serving as Staff Nurse at the Government Hospital, Sattur, Virudhunagar District, suffered a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for violation of Rule 19 of the Tamil Nadu Government Servants Conduct Rules, with the allegation that she had entered into a bigamous marriage with Dr.K.Muniyandi, Assistant Surgeon, who is already having a legally wedded wife by name Tmt.Parvathi. After finalization of the disciplinary proceedings, an order of removal was passed on 25.08.1999. The same was challenged before the Tamil Nadu Administrative Tribunal in O.A.No.6113 of 1999 and an order of stay was 14.10.1999, whereupon, the petitioner was reinstated into service and transferred to Paramakudi Government Hospital. After abolition of the Tamil Nadu Administrative Tribunal, the said O.A.No.6113 of 1999 was transferred to this Court and renumbered as W.P.No.2263 of 2007. This Court, by order dated 15.06.2010, dismissed the Writ petition. Thereafter, as against the punishment of removal from service, the petitioner had preferred a review petition on 28.10.2010 before the Secretary to Government, Health and Family Welfare (K2) Department. On 27.02.2013 vide G.O.(D)No.176, Health and Family Welfare (K2) Department, the Secretary to Government, Health and Family Welfare (K2) Department, Chennai, set aside the punishment of removal from service. Thereafter, the Director of Medical and Rural Health Services, vide order dated 05.09.2014, in Ref.No.99143/SC1/3/1999, reinstated the petitioner into service. She was allowed to retire on 31.10.2010, without prejudice to another disciplinary proceedings initiated against her under Rule 9(2)(a) of the Tamil Nadu Pension Rules, 1978.

4.The said proceedings came to an end in favour of the petitioner by orders dated 03.01.2015 in Na.Ka.No.62473/See Ka.1/3/2013 passed by the 2nd respondent / Director of Medical and Rural Health Services, Chennai.

5.According to the petitioner, since she was discharged from all the charges, she is entitled to get pension, however, the respondents have not settled the pensionary benefits. Therefore, she made a representation on 25.04.2016 to the respondents to settle her retirement benefits and pension. As no response was forthcoming, she has filed the present Writ petition.

6.Considering the fact that the petitioner was allowed to retire from service on attaining the age of superannuation on 31.10.2010 and subsequently, the charge initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and continued under Rule 9(2)(a) of the Tamil Nadu Pension Rules, 1978, also came to an end in favour of the petitioner, the respondents are bound to settle her retirement benefits.



7. Accordingly, the Writ petition is disposed of, directing the respondents to disburse the retirement benefits to the petitioner, within a period of 10 weeks from the date of receipt of a copy of this order. No costs.

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/True copy/

Sd/-
Assistant Registrar(W)

Sub Assistant Registrar

To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai 600 009.
2. The Director of Medical and Rural Health Services,
Chepauk, Chennai 600 006.
3. The Joint Director of Health Services,
District Government Hospital Campus, Ramanathapuram.

+1 cc to M/s.K.Kumaravel, Advocate in SR.No.29359
+1 cc to The Special Government Pleader in SR.No.29272
nbj
CSL/NGM-MP/28.06.2016 :3P/6C

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09.06.2016