



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA**W.P(MD) No.16817 of 2016**

B.Balasubbulakshmi

... Petitioner

-vs-

1.The Director,
Public Health and Preventive Medicine,
Tenampet, Chennai - 6.

2.The Deputy Director of Health Services,
O/o. the Deputy Director of Health Services,
District Collector Office Premises,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent No.2 to consider the Representation dated 14.03.2016 made by the Petitioner seeking for revocation of suspension order in R.No.5956/A6/2015 dated 29.07.2015 on the file of the Respondent No.2 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
for T.Lajapathi Roy
For Respondents : Mr.V.Pandi
Government Advocate

O R D E R

The petitioner has come up with the above writ petition seeking for the issuance of a writ of mandamus, to direct the second respondent to consider the representation of the petitioner dated 14.03.2016 seeking revocation of suspension order in R.No.5956/A6/2015 dated 29.07.2015.

2.Heard the learned counsel for the petitioner. Mr.V.Pandi, learned Government Advocate takes notice for the respondents.

3.The petitioner has served as a Superintendent in the Government Primary Health Centre, Muthanenthal. A criminal case came to be registered against her in Crime No.406 of 2015 by the Manamadurai Police Station, Sivagangai District, on the allegation of misappropriation of funds. Hence, the petitioner was placed under suspension by the order dated 29.07.2015.



4.It is the contention of the learned counsel for the petitioner that as per the decision of the Hon'ble Supreme Court in **AJAY KUMAR CHOUDHARY v. UNION OF INDIA (UOI) AND OTHERS** reported in **2015 (3) CTC 119**, the petitioner cannot be placed under indefinite suspension, when the enquiry having commenced. Seeking revocation of the suspension order, the petitioner has given a representation dated 14.03.2016, under which, the petitioner has stated that as she is likely to be retired on 30.04.2016, she may be considered for being posted. As no order has been passed, the petitioner has come up with the above writ petition.

5.The learned Government Advocate for the respondents is agreeable to consider the representation of the petitioner dated 14.03.2016.

6.In view of the submission made by the learned Government Advocate, the second respondent is directed to consider the representation of the petitioner dated 14.03.2016, in the light of the decision reported in **2015 (3) CTC 119** (referred above) and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1.The Director,
Public Health and Preventive Medicine,
Tenampet, Chennai - 6.

2.The Deputy Director of Health Services,
O/o. the Deputy Director of Health Services,
District Collector Office Premises,
Sivagangai District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate, SR No.50584

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.50384

W.P (MD) No.16817 of 2016

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