



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.9504 of 2016

and

W.M.P(MD)Nos.7562 to 7564 of 2016

K.Murugeswari

... Petitioner

Vs.

- 1.The Director,
Medical and Rural Health Service (ESIS),
D.M.S. Campus,
Chennai - 6.
- 2.The Director,
Medical and Rural Health Service (General),
D.M.S. Campus,
Chennai - 6.
- 3.The Regional Administrative Medical Officer
E.S.I.S)
K.K.Nagar,
Madurai - 20.
- 4.M.Saravanakumar
S/o not known to the petitioner
E.S.I. Dispensary,
Palanganatham,
Madurai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the first respondent made in his proceedings in impugned order his proceedings vide Ref. No.25214/ESI/B2/2016 dated 18.04.2016 and quash the same as illegal.

For Petitioner
For Respondents

: Mr.P.Jeyamani
: Mr.R.Anandaraj
Govt. Advocate
for R1 to R3

**O R D E R***********

This writ petition has been filed challenging the impugned order dated 18.04.2016 passed by the first respondent.

2. It is the case of the petitioner that she worked in Madurai as Assistant in the respondent department. Thereafter, on 06.07.2015, she was promoted as Superintendent and transferred to the King Institute of Preventive Medicine, Chennai. Further it is the case of the petitioner that the petitioner was permitted to continue in the quarters at Madurai from September 2015 to June 2016. On expiry of the same, the respondent department has required the petitioner to vacate and hand over the possession. It is made clear in the impugned notice dated 18.04.2016 that any failure on the part of the petitioner, the petitioner will incur the penal rent at the rate of 3-1/2 times of the normal rate of rent.

3. Aggrieved against the same, the petitioner filed this writ petition challenging the said notice on the ground that her minor children are studying at Madurai and the petitioner has not been provided with any accommodation at Chennai so that she is unable to vacate the quarters. The said submission cannot be countenanced. Since the respondents permitted the petitioner to stay from 30.09.2015 to 31.05.2016, there is no justifiable reason to challenge this notice. At the same time, considering the fact that the minor children are studying at Madurai, the petitioner is permitted to continue in the said premises for further period of three months from 01.06.2016 on payment of appropriate penal rent as directed by the respondents. Further, the petitioner is also directed to file an undertaking affidavit to the effect that the petitioner would vacate and hand over the possession to the authorities on or before 01.10.2016.

With the above directions, this writ petition is disposed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer

/True Copy/

Sub Assistant Registrar-

To

1.The Director,
Medical and Rural Health Service (ESIS),
D.M.S. Campus,
Chennai - 6.



2.The Director,
Medical and Rural Health Service (General),
D.M.S. Campus,
Chennai - 6.

WEB COPY

3.The Regional Administrative Medical Officer
E.S.I.S)
K.K.Nagar,
Madurai - 20.

+1cc to Mr.P.Jeyamani, Advocate Sr.No. 27185

+1cc to Spl.GOvernemnt Pleader Sr.No. 27256

skn/gsr

JA/PEK/SAR-III/02.06.2016/3P-6C

W.P (MD) No.9504 of 2016
26.05.2016