

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26091 of 2017

R.Dhanalakshmi

... Petitioner

-Vs-

1. The Director of Medical and Rural
Health Services
Office of the Director of Medical and
Rural Health Services
Chennai 600 006
2. The Joint Director of Medical and Rural
Health Services
Office of the Joint Director of Medical and
Rural Health Services
Nilgiris, Udhagamandalam
3. The Hospital Superintendent
Government Headquarters
Udhagamandalam
4. The Hospital Superintendent
Government Headquarters
Pollachi

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order in Ref.No.1800/E2/2016 dated 11.05.2016 passed by the respondent No.2 and quash the same as illegal, consequently directing the respondents to reinstate the petitioner as staff nurse at respondent no.3 hospital.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner seeks for issuance of a writ of certiorarified mandamus, calling for the records in connection with the impugned order in Ref.No.1800/E2/2016 dated 11.05.2016 passed by the Joint Director of Medical and Rural Health

Services, Nilgiris, Udthagamandalam, the second respondent herein, to quash the same as illegal with a consequential direction to the respondents to reinstate the petitioner as Staff Nurse at the third respondent hospital.

2. Learned counsel for the petitioner submitted that pursuant to the false complaint given by the petitioner's husband, she was prosecuted on the file of the learned Judicial Magistrate No.II, Udumalpet. Finally, she was also acquitted by the judgment dated 3.10.2016 passed in Calendar Case No.29 of 2016, therefore, the petitioner is entitled to be reinstated in service.

3. It is at this stage the learned Additional Government Pleader for the respondents fairly submitted that the petitioner has come to this Court without knowing the issuance of the order reinstating her into service.

4. Recording the above statement, since the order has already been issued directing the petitioner to re-join duty pursuant to the judgment of acquittal dated 3.10.2016, the petitioner is directed to approach the respondents and on such representation, the respondents shall allow her to re-join duty. Since it is represented that subsistence allowance was also not paid to the petitioner, the respondents shall consider the said request and pay the subsistence allowance for the relevant period within a period of three weeks from the date of receipt of a copy of this order, if it was not paid earlier. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.27712 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Director of Medical and Rural
Health Services
Office of the Director of Medical and
Rural Health Services
Chennai 600 006
2. The Joint Director of Medical and Rural
Health Services
Office of the Joint Director of Medical and
Rural Health Services
Nilgiris, Udthagamandalam

3. The Hospital Superintendent
Government Headquarters
Udhagamandalam

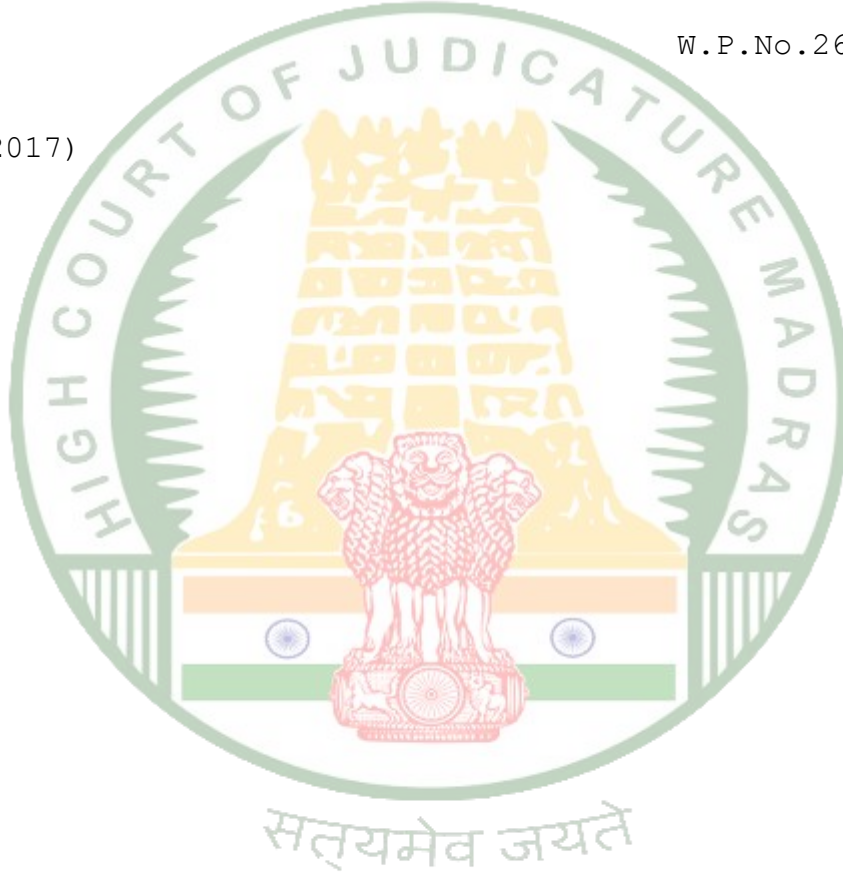
4. The Hospital Superintendent
Government Headquarters
Pollachi

+lcc to Mr.S.Malaikani, Advocate, S.R.No.72904

+lcc to the Government Pleader, S.R.Nos.72858 & 73729

W.P.No.26091 of 2017

PVS (CO)
CA(07/11/2017)



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