

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No. 17981 of 2017

A.Nithyakalyani

.... Petitioner

Vs.

1. The Director,  
Directorate of Medical & Rural Health,  
Welfare Services,  
DMS Compound, Chennai - 600 006.

2. The Joint Director of Health Services,  
Government Hospital,  
Kancheepuram - 631 501.

3. The Medical Officer,  
Government Hospital,  
Thirukalukundram,  
Kancheepuram District - 603 109.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to complete the enquiry and pass final orders in respect of the proceedings dated 09.09.2014 issued under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeals) Rules made in Na.Ka.No.31144/Si-Ka1/2/2014 passed by the 1<sup>st</sup> respondent herein within a stipulated period.

For Petitioner : Mr.S.Shanmugasundaram

For Respondents : Mr.K.Dhananjeyan  
Special Government Pleader

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ORDER

The prayer sought for in this writ petition is, for a direction to complete the enquiry in respect of the disciplinary proceedings initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeals) Rules in proceedings No.31144/Si-Ka1/2/2014 dated 9<sup>th</sup> September 2014.

2. The writ petitioner is working as Staff Nurse under the control of the Directorate of Medical and Rural Health Services and on account of certain irregularities, a charge memo was issued in proceedings dated 9<sup>th</sup> September 2014 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeals) Rules and the writ petitioner submitted her explanation also on 16<sup>th</sup> October 2014 denying the charges. In proceedings dated 9<sup>th</sup> April 2015, an Enquiry Officer also was appointed and in spite of that no further action has been taken to conclude the enquiry proceedings for the past 2 years. Thus, the writ petitioner is constrained to move this writ petition for a direction to conclude the enquiry.

3. The learned counsel appearing for the writ petitioner contended that though the charge memo was issued on 9<sup>th</sup> September 2014, the petitioner is unable to get her service benefits including her promotion benefits for the past three years. In respect of the charge under Section 17 (b), the enquiry officer also appointed and the writ petitioner is willing and ready to co-operate for completion of the enquiry and she will not seek any unnecessary adjournment before the Enquiry Officer.

4. In view of the submissions made by the learned counsel for the petitioner, this Court is inclined to direct the respondents to conclude the enquiry by providing sufficient opportunities to the writ petitioner under the Rules and pass final order in the disciplinary proceedings on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

maya

To

1. The Director,  
Directorate of Medical & Rural Health,  
Welfare Services,  
DMS Compound, Chennai - 600 006.

2. The Joint Director of Health Services,  
Government Hospital,  
Kancheepuram - 631 501.

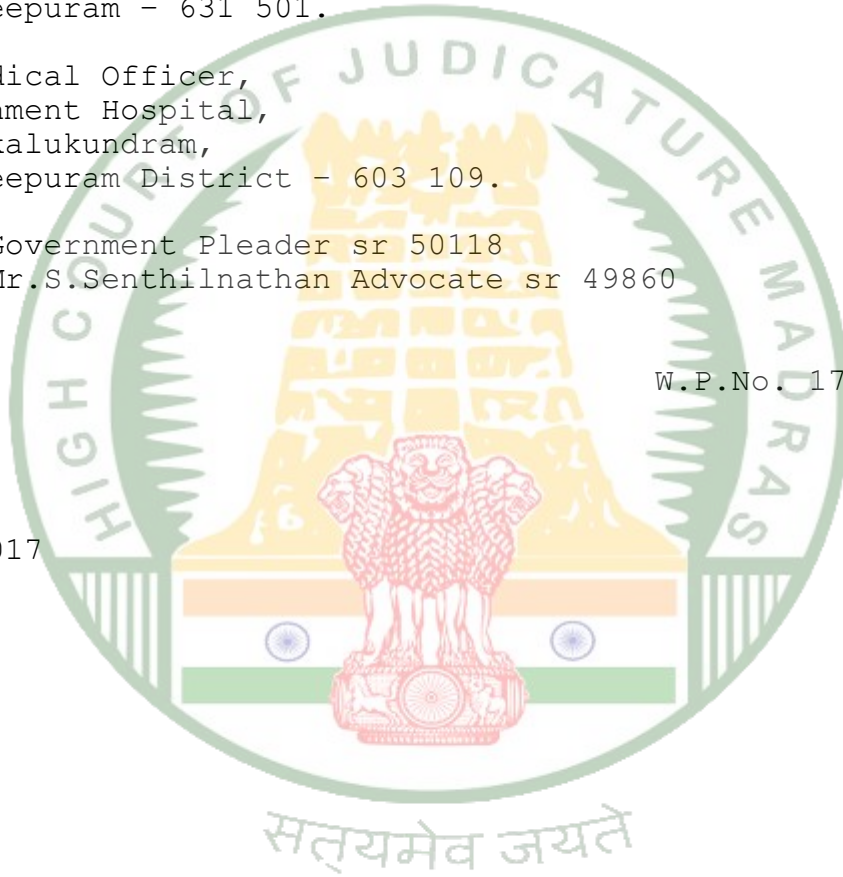
3. The Medical Officer,  
Government Hospital,  
Thirukalukundram,  
Kancheepuram District - 603 109.

+1 cc to Government Pleader sr 50118

+1 cc to Mr.S.Senthilnathan Advocate sr 49860

W.P.No. 17981 of 2017

svl(co)  
aa01/08/2017



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