

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23028 of 2009

and

WMP.No.1 of 2010

Dr.S.Palanisamy

.. Petitioner

vs

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

2.The Director of Medical and Rural
Health Service and Family Welfar,
Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in G.O. (D).No.1282 Health and Family Welfare (K2) Department dated 06.11.2008 and quash the same as illegal in so far the decision to hold the charges 1, 2 & 6 framed against the petitioner in charge memo dated 25.02.2002 as "proved but not pressed" and direct the first respondent to drop the charges without any stigma and consequently pay the retiral benefits and pension withheld in view of the impugned proceedings with interest within a stipulated period.

For Petitioner : Mr.A.Arulmozhi

For Respondents: Mrs.K.Bhuvaneswari
Government Advocate

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O R D E R

The order passed by the first respondent in G.O.(D).No.1282 Health and Family Welfare (K2) Department dated 06.11.2008 is under challenge in this writ petition and a further direction is

sought for to settle the retirement and terminal benefits of the writ petitioner.

2.The learned counsel appearing for the writ petitioner submitted that the writ petitioner was holding the post of Medical Officer and retired from service. On account of certain allegations a charge memo was issued against the writ petitioner in proceedings dated 25.02.2002, in respect of releasing of GPF loans and further not maintaining the P.A. Register properly and failure on the part of the writ petitioner in supervising the administration. However, the writ petitioner submitted his explanations denying the charges and the enquiry was conducted and the Enquiry Officer submitted his report on 20.02.2004. In fact, the writ petitioner referred the case of one Dr.K.Muthusamy against whom the charges were dropped. In this regard, the writ petitioner also submitted his representation for dropping all the charges and to settle his retirement benefits.

3.The writ petitioner earlier filed a writ petition in W.P.No.38267 of 2006 to drop the charges and settle the retiral and pensionary benefits and this Court passed the final order on 10.10.2006, directing the first respondent to pass orders. Based on the above said order, the writ petitioner also submitted his representation on 16.02.2007. Thereafter in proceedings dated 11.04.2007, a show cause notice dated 23.03.2007 was issued to the writ petitioner and responding the same the writ petitioner also submitted his explanations on 30.04.2007. However, final order has been passed by the Government in G.O.(D).No.1282 Health and Family Welfare (K2) Department dated 06.11.2008.

4.On a perusal of the order it is stated that the charges 1, 2 and 6 framed against Dr.S.Palanisamy (Writ petitioner) formerly Medical Officer, Government Hospital, Yercaud, Salem District are held as proved but not pressed and the charges 3, 4 and 5 are held as not proved and further action in the disciplinary proceedings initiated against Dr.S.Palanisamy by the Government in the reference first read above is to be dropped. Thus, it is made clear that the charges initiated against the writ petitioner on 25.02.2002 was dropped. This apart, the final order in the disciplinary proceedings also has been issued in G.O.(D).No.1282 Health and Family Welfare (K2) Department dated 06.11.2008. In spite of this, the terminal and retiral benefits of the writ petitioner has not been settled.

5.Thus, this Court is of the opinion that the writ petitioner being a Senior citizen and now aged about 72 years old cannot wait further for settlement of his retirement and pensionary benefits. Taking note of the facts and circumstances of the case, the respondents are directed to settle all the terminal and pensionary benefits due to the writ petitioner, in

accordance with the rules, if, no other disciplinary proceedings or otherwise is pending against the writ petitioner, within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. However, there is no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to
Government of Tamil Nadu,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.

2.The Director of Medical and Rural
Health Service and Family Welfar,
Chennai.

+ 1 cc to Mr.A.Arulmozhi, Advocate, SR.73833
+ 1 cc to The Govt.Pleader, SR.74761

W.P.No.23028 of 2009

VGII (CO)
NR 20/11/2017

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