

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 29927 OF 2018

S.Aishwarya

.. Petitioner

- Vs -

The Director of Medical &
Rural Health Services
DMS Compound, Anna Salai
Teynampet, Chennai 600 006.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondent to pass appropriate orders allowing the petitioner to rejoin the duty as Nurse in the respondent department forthwith with all consequential and other attendant service benefits by considering the representation submitted by the petitioner dated 30.4.2018.

For Petitioner : Mr. G.Sankaran

For Respondent : Mr. A.N.Thambidurai,
Special Govt. Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to consider the representation of the petitioner dated 30.4.2018.

2. The petitioner was selected and appointed as Nurse through the Medical Services Recruitment Board on 30.5.15 and posted in Government Primary Health Centre, Arasamangalam, Villupuram District and the petitioner joined the said post on 16.11.15.

3. Since the petitioner's daughter was suffering from ailments, she had applied for leave from 18.11.2015. During the said point of time, the petitioner was residing at T.Nagar, Chennai. During the floods that occurred in Chennai in December, 2015, the Slum Board tenement was inundated with flood water, which resulted in the petitioner's house getting submerged in water leading to loss of health and materials. Due to the above, the petitioner could not return back to duty. With great efforts, the petitioner shifted her family and as her

daughter was undergoing treatment, the petitioner was prevented from joining duty immediately. The petitioner approached the respondents, wherein she was informed to submit a representation along with medical certificates for rejoining duty. Though she has submitted representation along with relevant medical certificates but no order has been passed on her representation enabling her to rejoin duty. Therefore, the present petition has been filed.

4. Mr.A.N.Thambidurai, learned Addl. Government Pleader takes notice for the respondents and submits that the case of the petitioner is not only unauthorised absence, but it is abandonment of duty. It is further submitted that no efforts have been taken by the petitioner to keep the authorities informed of her situation. However, it is submitted that this Court may direct the respondent to consider the representation and pass orders in accordance with law.

5. In view of the limited relief sought for, this Court is of the view that it would suffice to direct the respondent to consider the representation submitted by the petitioner within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the respondent to consider the representation dated 30.04.2018 submitted by the petitioner and pass orders thereon, within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

GLN
To

The Director of Medical &
Rural Health Services
DMS Compound, Anna Salai
Teynampet, Chennai 600 006.

+1 CC to Mr.G.Sankaran, Advocate sr 85248.
+1 CC to Govt. Pleader sr 85881.

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MP(CO)
SP(29/01/2019)