



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P. (MD) No. 434 of 2018

R.Chelladurai

.. Petitioner

Vs.

1.The Director of Medical Service,
O/o. the Director of Medical Services,
Medical and Rural Health
Services and Family Welfare,
D.M.S. Campus,
Teynampet,
Chennai - 600 006.

2.The Joint Director,
Medical and Rural Health
Services and Family Welfare,
Theni at Periyakulam.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the proceedings made by the second respondent in Na.Ka.No.05665/Cumbum/2016, dated 07.04.2017 by considering the petitioner's representation dated 14.12.2017 within a time stipulated by this Court.

For petitioner : Mr. M.Natarajan
For respondents : Mr. M.Jeyakumar,
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The writ petitioner is a retired employee of the Department of Medical and Rural Health Services and Family Welfare. He was suspended by order dated 18.06.2016. Suspension was revoked by order dated 14.07.2016. The petitioner has since retired from service. Now the question is, how the suspension period is to be



treated. The second respondent had already sent the proposal to the first respondent to treat the suspension period as one on Earned Leave. However, the first respondent is yet to take decision in the matter. The petitioner has also given a representation on 14.12.2017 with this regard.

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4. Considering the fact, that the petitioner is a retired employee, this issue cannot be kept indefinitely pending. The first respondent is therefore directed to consider the petitioner's representation dated 14.12.2017, with regard to the treatment of the suspension period and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5. This Writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

1.The Director of Medical Service,
O/o. the Director of Medical Services,
Medical and Rural Health
Services and Family Welfare,
D.M.S. Campus,
Thenampet,
Chennai - 600 006.

2.The Joint Director,
Medical and Rural Health
Services and Family Welfare,
Theni at Periyakulam.

+1cc to M/S.Special Government Pleader,SR. 46213

W.P. (MD) No. 434 of 2018
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KMI

KK/KKR/SAR 1/23.02.2018/ 2P- 4C/