

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.257 of 2019

P.Umadevi

...Petitioner

Vs

The Deputy Director of Public Health &
Preventive Medicine Department,
Teynampet,
Chennai 600 006.

...Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent herein to consider and pass orders on the petitioner's representation dated 08.01.2018 regarding settlement of the period of compulsory wait from 26.04.2010 to 28.06.2010 and to grant annual increments, earned leave, from 2010-2018 and VII pay commission benefits, within a time-frame.

For Petitioner : Mr.G.Bala and Daisy

For Respondent : Mr.M.Selvam
Government Advocate

O R D E R

The case of the petitioner is that while she was working as Village Health Nurse at Kadampuliyur Primary Health Centre, she was transferred to Theerthanagiri Government Primary Health Centre on 11.03.2010, within period of four months from the previous transfer order. The petitioner challenged the said transfer order in W.P.No.9959 of 2010 before this Court and this Court had granted interim stay in the said writ petition on 05.05.2010. Thereafter, she was allowed to join duty on 28.06.2010 by cancelling the transfer order dated 11.03.2010. The period of compulsory wait from 26.04.2010 to 28.06.2010 has to be treated as duty for all purposes under the Fundamental Rules. But she has been taken into task by the Department by freezing all her service benefits with effect from 28.06.2010. She was also denied annual increments, EL and VII Pay Commission

service benefits till date. The representations submitted by the petitioner also went in vain. Hence this writ petition.

2.Heard Mr.R.S.Selvam, learned Government Advocate, who took notice on behalf of the respondent.

3.Considering the facts and circumstances of the case, this Court deems it fit to direct the respondent to consider the representation dated 08.01.2018 made by the petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

4.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM

To

The Deputy Director of Public Health &
Preventive Medicine Department,
Teynampet,
Chennai 600 006.

+1cc to M/S.G.Bala and Daisy, Advocate Sr.1988
+1cc to the Government Pleader Sr.2343

WEB COPY

W.P.No.257 of 2019

ks[vo]
srg 11/02/2019