

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :15.03.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.20818 of 2018

K.Jansi Rani

.. Petitioner

..vs..

1.The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 9.

2.The Director of Medical Education,
Chennai - 600 005. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to sanction two thirds of pension and gratuity, by way of sanction of compassionate allowance in the light of the provisions contained in the First Proviso to Rule 40 of the Tamil Nadu Pension Rules, keeping in view the service rendered by the petitioner as Staff Nurse in the respondent department from 01.09.1977 to 21.04.1997.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.A.N.Thambi Durai,
Special Government Pleader

ORDER

The relief as such sought for in the present writ petition is for a direction to direct the 1st respondent to sanction two thirds of pension and gratuity, by way of sanction of compassionate allowance in the light of the provisions contained in the First Proviso to Rule 40 of the Tamil Nadu Pension Rules, keeping in view the service rendered by the petitioner as Staff Nurse in the respondent department from 01.09.1977 to 21.04.1997.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner was removed from service in proceedings dated 21.04.1997 on account of the allegation of unauthorized absence.

3.The learned counsel for the writ petitioner states that the tenure of unauthorized absence was three months and therefore, the punishment of removal itself is harsh. The writ

petitioner had accepted the order of punishment of removal from service and thereafter submitted an application to the first respondent on 12.10.1998 to consider her case for grant of compassionate allowance with reference to Rule 40 of the Tamil Nadu Pension Rules. The representation sent by the writ petitioner on 15.05.2016 is also kept pending.

4. Under these circumstances, the first respondent is directed to consider the representation submitted by the writ petitioner on 15.05.2016 and pass order 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. The writ petitioner is directed to enclose the copy of representation and all relevant Government Orders along with the order passed in the present writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Government of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 9.

2.The Director of Medical Education,
Chennai - 600 005.

+1cc to Mr.M.Ravi, Advocate sr.no.25238
+1cc to Government Pleader sr.no.25140

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spd(co)
nr 03/05/2019