

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1591 of 2019

Dr.Silamban

..Appellant/Petitioner

Vs.

1. Government of Tamil Nadu
represented by its Principal
Secretary, Health and Family Welfare
Department, Secretariat,
Chennai - 600 009.

2. The Dean,
Madras Medical College,
Park Town, Chennai - 600 003. ..Respondents/Respondents

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 13.03.2019 in W.P.No.3477 of 2019 on the file of this Court.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Directing the 2nd respondent to consider the Letter of Resignation dated 20/12/2010 and pass orders immediately relieving the petitioner from the services of the Government of Tamil Nadu with effect from 20/12/2010.

For Appellant : Mr.Rajnish Pathiyil

For Respondents : Mrs.A.Sri Jayanthi,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The appellant approached the Writ Court with a grievance that the resignation letter dated 20.12.2010 was not accepted by the respondents. The appellant therefore made a request before the Writ Court to direct the respondents herein to pass orders taking into account the resignation letter submitted by him on 20.12.2010. The Writ Petition was dismissed by the learned single Judge.

2. The learned single Judge issued a string of directions covering altogether a different field notwithstanding the fact that it was a simple Writ Petition to direct the respondents to accept the resignation. Feeling aggrieved by the said order, the appellant has come up with this intra Court appeal.

3. This appeal came up for hearing on an earlier occasion. After hearing the learned counsel for the appellant and the learned Special Government Pleader on behalf of the respondents, we have directed the appellant to submit a letter of resignation to the respondents in the prescribed format. Accordingly, the appellant submitted his letter of resignation dated 08.08.2019. The letter was forwarded by the Director, Medical Education to the Government. The Government accepted the letter of resignation and passed an order dated 16.08.2019 accepting the resignation with effect from 16.03.2019.

4. In view of the order in G.O.(D) No.1321, Health and Family Welfare Department dated 16.08.2019, there is no need for a factual adjudication of the issue raised by the appellant.

5. The learned single Judge issued string of directions which has nothing to do with the issue raised in the Writ Petition. The Government was not given an opportunity to file a counter to explain its position. In fact, the learned single Judge directed the Government to lodge a complaint with the Medical Council of India regarding the alleged misconduct committed not only by the appellant but also by other medical officers. Since the scope of the Writ Petition was limited to the question as to whether the respondents were correct in keeping the alleged letter of resignation dated 20.12.2010 pending, there was no need for issuing such directions which could be given only in a Public Interest Litigation.

6. We therefore set aside the entire directions as contained in paragraph No.44 of the order dated 13.03.2019 in W.P.No.3477 of 2019.

7. The intra Court appeal is disposed of taking into account the subsequent order in G.O.(D) No.1321, Health and Family Welfare Department dated 16.08.2019. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
Government of Tamil Nadu
Health and Family Welfare
Department, Secretariat,
Chennai - 600 009.
2. The Dean,
Madras Medical College,
Park Town, Chennai - 600 003.

+1 cc to M/s.Rajnish Pathiyil, Advocate Sr.No. 70409
+1 cc to The Government Pleader Sr.No.70827

AKM/24.09.19/3P- 5C /

Writ Appeal No.1591 of 2019