

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2019

CORAM

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

W.P.No.18147 of 2019

and

WMP.No.17509 of 2019

R.Arputharani

... Petitioner

.vs.

1.The Director of Medical and Rural Health Services,
Office of the Directorate of Medical and
Rural Health Services, DMS Complex,
Teynampet, Chennai-6.

2.The Joint Director of Health Service,
Office of the Joint Director of Health Service,
Tiruvarur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate Writ or order by directing the respondents to consider the case of the petitioner for the promotion to the post of Nursing Superintendent Grade II without reference to the disciplinary proceedings initiated vide charge memo issued by the second respondent dated 31.12.2013.

For Petitioner : Mr.V.Vijay Shankar

For Respondents 1 & 2: Mrs.A.Sri Jayanthi
Additional Government Pleader

O R D E R

This Writ Petition has been filed by the petitioner praying for the issuance of writ of mandamus, to direct the respondents to consider the case of the petitioner for promotion to the post of Nursing Superintendent Grade II without reference to the disciplinary proceedings initiated vide charge memo issued by the second respondent dated 31.12.2013.

2. The petitioner was appointed as staff nurse and posted to the Government District Head Quarters Hospital, Mannargudi.

It appears that as against the petitioner, disciplinary proceedings were initiated vide proceedings dated 31.12.2013 by the second respondent for certain irregularities committed by the petitioner. The grievance of the petitioner is that though she was empanelled for her next promotion to the post of the Nursing Superintendent Grade II, however, she was not considered for promotion. According to the petitioner, the disciplinary proceedings were initiated as early as in the year 2013. However, the same have not reached finality and there was enormous delay in concluding the disciplinary proceedings and thereby she was denied with the promotion. Therefore, the petitioner has come forward with the present Writ Petition seeking to direct the respondent to grant promotion without reference to the disciplinary proceedings dated 31.12.2013.

3. The learned Additional Government Pleader appearing for the respondent has filed counter affidavit on behalf of the first respondent and while reiterating the averments contained in the counter affidavit, he would submit that disciplinary proceedings initiated against the petitioner have reached finality wherein the charges framed against the petitioner were found proved and subsequently, by proceedings dated 08.08.2019, the first respondent has imposed punishments of stoppage of increment for six months without cumulative effect.

4. Considering the facts and circumstances of the submissions made by the learned Additional Government Pleader for the respondents, this Court finds that since the disciplinary proceedings initiated against the petitioner dated 31.12.2013 have subsequently ended with punishment of stoppage of increment for a period of six months without cumulative effect vide proceedings dated 08.08.2019 by the first respondent and therefore, the prayer sought in the writ petition has become virtually infructuous and there is nothing survives for further adjudication.

5. Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to workout her remedy in the manner known to law, if so advised as regards proceedings of the first respondent dated 08.08.2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

bkn

To

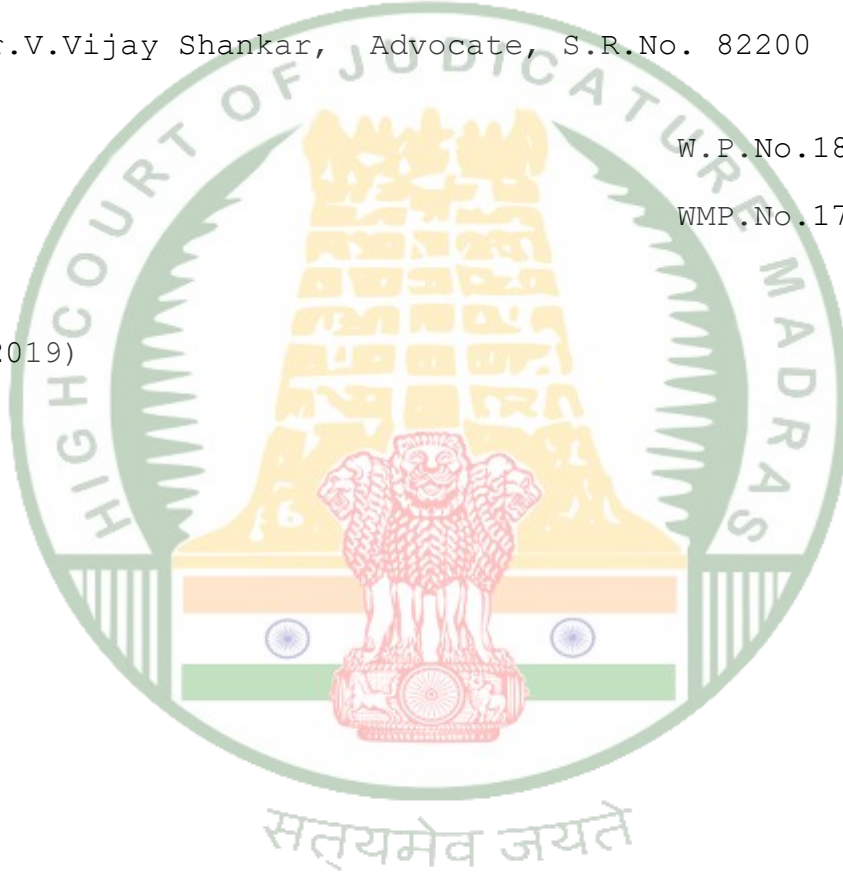
1.The Director of Medical and Rural Health Services,
Office of the Directorate of Medical and
Rural Health Services, DMS Complex,
Teynampet, Chennai-6.

2.The Joint Director of Health Service,
Office of the Joint Director of Health Service,
Tiruvarur District.

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No. 82200

W.P.No.18147 of 2019
and
WMP.No.17509 of 2019

MP (CO)
GN(20/11/2019)



WEB COPY