

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18736 of 2019

P.Gunasekaran

... Petitioner

Versus

- 1.Government of Tamilnadu,  
rep.by Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.
- 2.The Director of Public Health & Preventive Medicine,  
Chennai - 600 006. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first respondent to consider the Revision Petition dated 15.12.2018 filed by the petitioner against the order of removal from service imposed by the second respondent, within a limited time frame.

For Petitioner : Mr.Ravi. M

For Respondents: Mr.A.N.Thambidurai,  
Special Government Pleader.

ORDER

This Writ Petition is filed for a Mandamus to direct the first respondent to consider the Revision Petition dated 15.12.2018 filed by the petitioner against the order of removal from service imposed by the second respondent, within a limited time frame.

2.The case of the petitioner is that the petitioner initially joined as Leprosy Inspector in the year 1986 at Kolachel, Kanniyakumari District and thereafter, he was posted as Grade I-B, Health Inspector at Velampala yam in Trippur District. While he was working as such, a charge memo dated 23.07.2010 was issued by the Deputy Director of Health Services, Trippur, under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on the ground of unauthorized absence from 11.02.2009. According to the petitioner, due to ill health he had taken treatment from various hospitals, hence, he did not report his duty.

Notwithstanding the same, an order of removal from service was passed against the petitioner on 30.01.2012 by the second respondent. As against the same, the petitioner submitted a representation dated 28.05.2018 to the second respondent to reconsider the order of removal dated 30.01.2012 and reinstate him into the service. But, the petitioner's representation was rejected by the second respondent by proceedings dated 06.10.2018 in Pro.No.50715/DA/S3/18. Since the petitioner's service is up to October 2020, he filed a Review petition on 15.12.2018 as against the order of the second respondent dated 06.10.2018 to the first respondent which was not considered by the respondents. Therefore, the petitioner filed this present Writ Petition for the above said prayer.

4.The learned Special Government Pleader appearing for the respondents would submit that the Review Petition filed by the petitioner on 15.02.2018 will be taken up for consideration by the first respondent and disposed of at an early date.

5.In view of the limited relief sought for, this Court is of the view that it is not necessary to delve into the merits of the issue, but it would suffice to direct the first respondent to consider the Review Petition submitted by the petitioner on 15.02.2018 and pass orders on the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

klr

To

1.The Secretary to Government,  
Government of Tamilnadu,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.

2.The Director of Public Health &  
Preventive Medicine,  
Chennai - 600 006.

+1cc to Mr.Ravi. M, Advocate,SR.91179  
+1cc to the Government Pleader SR.91093

W.P.No.18736 of 2019

SVI (CO)  
CB(29/11/2019)