

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :25.10.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No. 27755 of 2019

&

W.M.P.Nos.27290 & 27293 of 2019

K.Vasanthi

..Petitioner

vs

1.Government of Tamilnadu
represented by Principal Secretary to Government
Health and Preventive Medicine
Secretariat
Chennai 600 009.

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

3.The Deputy Director of Health Services
Cuddalore District,
Cuddalore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus, to call for the records on the file of the 3rd
respondent in Charge Memo issued to the petitioner in
Na.Ka.No.7516/A4/2011 dated 22/11/2018, quash the same and to
direct the respondents herein to pass appropriate orders,
declaring that the petitioner is deemed to have voluntarily
retired from service from the post of Village Health Nurse as on
04.05.2012 AN and to grant all consequential retirement and
pensionary benefits with interest on the delayed payment within
a limited time frame.

For Petitioner

: Mr.M.Ravi

For Respondents

: Mrs.R.Janaki

Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for quashing
the charge memo dated 22/11/2018 passed by the 3rd respondent to
the petitioner in Na.Ka.No.7516/A4/2011 and consequential
direction to the respondents to pass appropriate orders
declaring that the petitioner is deemed to have voluntarily

retired from service from the post of Village Health Nurse as on 04.05.2012 A.N and to grant all consequential retirement and pensionary benefits with interest on the delayed payment within a limited time frame.

2. By consent of both the parties, the Writ Petition has been taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that she joined the service of the respondent's corporation as Village Health Nurse in the year 1989. On 01.02.2012, due to her family problem she made an application to the 3rd respondent requesting for Voluntary Retirement with effect from 04.05.2012. The 3rd respondent did not respond to the application for voluntary retirement till 04.05.2012, therefore, the petitioner had retired voluntarily from the service. Thereafter, the 3rd respondent initiated Disciplinary Proceedings under Rule 17 (b) of the TNCS (DAA) Rules, for the petitioner's continuous unauthorized absence.

4. On 21.02.2019, the petitioner submitted her explanation to the said proceedings. Thereafter, on 08.07.2019, the petitioner made representation to the respondents to allow her to retire voluntarily from service with effect from 04.05.2012. As against the inaction, the present Writ Petition came to be filed.

5. Heard the learned counsel on either sides and perused the papers.

6. A perusal of the counter affidavit filed by the 3rd respondent reveals that the application made by the petitioner for Voluntary Retirement was accepted by them and the petitioner has been relieved from the service with effect from 04.05.2012. However, the respondents are directed to settle the retirement benefits and other benefits within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of on the above lines. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.Government of Tamilnadu
represented by Principal Secretary to Government
Health and Preventive Medicine
Secretariat
Chennai 600 009.

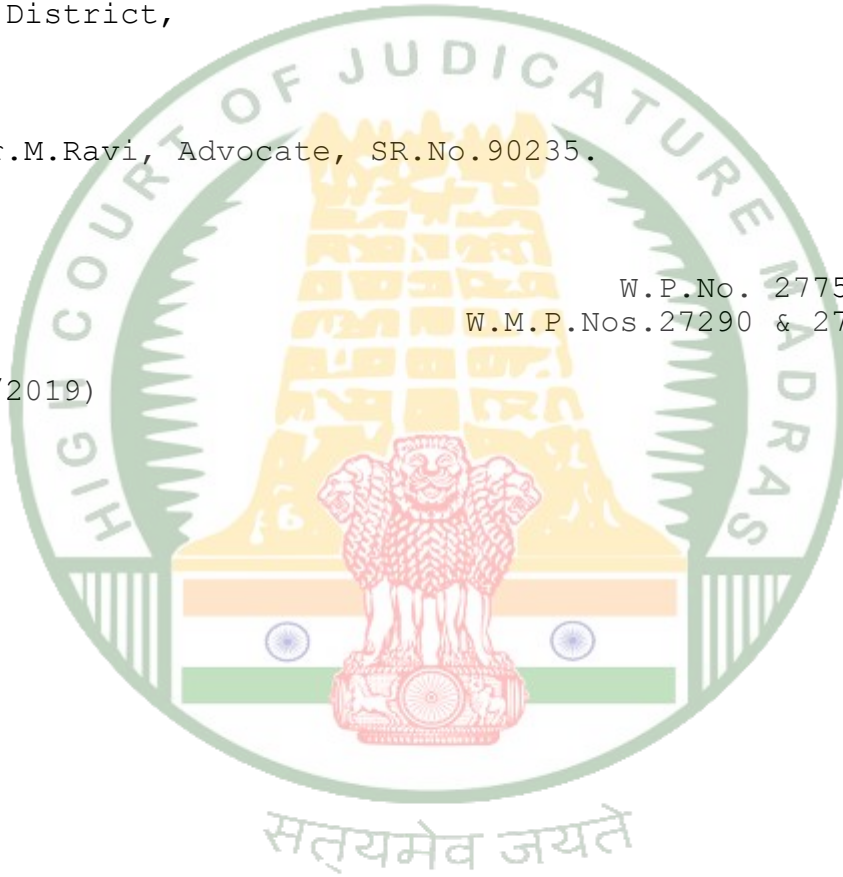
2.The Director of Public Health and Preventive Medicine,
Chennai 600 006.

3.The Deputy Director of Health Services
Cuddalore District,
Cuddalore.

+1cc to Mr.M.Ravi, Advocate, SR.No.90235.

VBA(CO)
CSR(20/12/2019)

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