

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27497 of 2019

G.Dhanalakshmi

... Petitioner

Vs.

1. The Director of Public Health
and Preventive Medicine,
Chennai - 600 006.
2. The Joint Director,
Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Dharmapuri.
4. The Block Medical Officer,
Government Primary Health Centre,
Solakkadu,
Kolli Hills, Namakkal District.

.... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to transfer the petitioner from Government Primary Health Centre, Solakkadu, Kolli Hills, Namakkal District, to any other Sub Health Centre at Dharmapuri District, on the ground of her ill health by considering the representation dated 10.07.2019 made by the petitioner to the second respondent within a time frame as may be fixed by this Court.

For Petitioner : Mr.K.K.N.Ganeshan

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

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself. Mrs.A.Sri Jayanthi,

learned Additional Government Pleader accepts notice on behalf of the respondents.

2.The petitioner was appointed as a Village Health Nurse in Government Primary Health Centre, Solaikottai Block Main, PHC, D.Thurinjipatti, Dharmapuri District, and was serving there for more than 25 years. While so, the Block Medical Officer, D.Thurinjipatti has sent a notice dated 19.09.2015, alleging that on inspection of the Government Primary Health Centre at Solaikottai between 01.04.2015 and 31.08.2015, it was found that pecuniary benefits have been given to many persons, who are not eligible for such benefits provided under a scheme called Dr.Muthulakshmi Reddy Maternity Financial Assistance Scheme. It is further alleged that money has been sent to the same person, several times and also enclosed the list of persons, who have been paid such benefits. By the said notice, the petitioner was also called upon to collect the amounts from those persons and deposit the same in the Treasury and submit the original receipts to the Block Medical Officer before 25.09.2015. Though, the petitioner has no role to play in the disbursement of such benefits, the petitioner advised seven persons to deposit the amount to the treasury and they have also deposited a sum of Rs.3,76,000/- in the treasury and the same was informed to the Block Medical Officer through a letter dated 30.09.2015. Thereafter, when the petitioner was on medical leave from 02.11.2015, the 2nd respondent by proceedings dated 30.10.2015 placed the petitioner under suspension. The petitioner filed a writ petition challenging the said suspension order in W.P.No.39624 of 2015, in and whereby this Court by an order dated 04.05.2016, disposed of the writ petition directing the petitioner to send a fresh representation along with the copy of earlier representations to the first respondent to take appropriate action. Pursuant to the said order, the petitioner sent a representation along with order copy dated 04.05.2016. The first respondent by an order dated 10.06.2016, rejected the request of the petitioner to revoke the order of suspension and reinstate into service. Aggrieved against the same, the petitioner filed a writ petition in W.P.No.33503 of 2016 before this Court and the same was allowed by an order dated 23.09.2016 directing the respondents 1 and 2 to reinstate the petitioner in any non-sensitive post at a far away place forthwith.

3.In the meantime, an enquiry was conducted by the first respondent as against the charge memo dated 30.05.2016 passed by the third respondent in his proceedings No.01/JD(Admn)2017-1 and the same is pending. In compliance to the order of this Court dated 23.09.2016, the first respondent by his proceedings dated 04.12.2016 revoked the order of suspension and reinstate the petitioner into service and was posted to the office of the third respondent as ANM without prejudice to the departmental

disciplinary action taken against the petitioner. The petitioner joined duty on 15.12.2016 and was working as ANM under the third respondent. The main grievance of the petitioner is that now the petitioner is suffering from Lumbar Disc Discomfort and hence, she was advised not to travel regularly. Therefore, she made application to the first respondent seeking to transfer her from the office of the third respondent to Block Medical Officer, Suriyakadai, Chitheri, Dharmapuri and the first respondent by his proceedings dated 22.01.2017 rejected the request of the petitioner. Thereafter, the petitioner made several representations to transfer her to the nearby village considering her health conditions, which were not considered by the first respondent. Therefore, she filed a petition in W.P.No.34240 of 2018, directing the respondents to consider her application dated 11.10.2018 and 05.12.2018 and this Court by an order dated 21.12.2018, disposed of the writ petition directing the respondent to consider the petitioner's representation and pass orders within eight weeks from the date of receipt of the order. However, the first respondent rejected the request of the petitioner on the ground that on the said application, the petitioner has sought transfer to the same place where the said disciplinary actions are pending against her. Thereafter, the petitioner made representation to the second respondent dated 10.07.2019 requesting her to transfer to any other Health Sub Centre at Dharmapuri District. Since, the same was not considered, the petitioner has filed the present petition.

4. Heard both sides.

5. The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the second respondent to consider the representation of the petitioner dated 10.07.2019, and pass orders within the stipulated time as fixed by this Court.

6. Thus, this Court without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 10.07.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar (CS-I)

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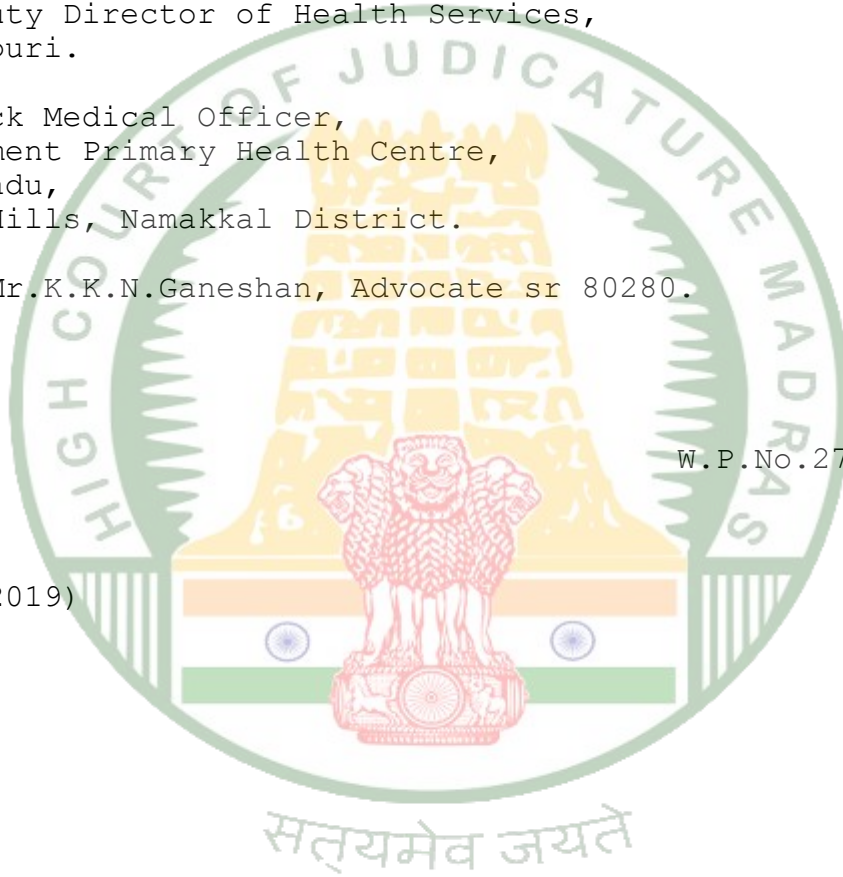
Sub-Assistant Registrar

To

- 1.The Director of Public Health
and Preventive Medicine,
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 - 2.The Joint Director,
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 - 4.The Block Medical Officer,
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Kolli Hills, Namakkal District.
- +1 CC to Mr.K.K.N.Ganeshan, Advocate sr 80280.

PVS (CO)
SP(22/10/2019)

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