



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD).No. 4647 of 2019
and W.M.P.(MD) No. 3701 of 2019

B. Murugesan : Petitioner

Vs.

1. The Director,
District Medical and Rural Health Services,
Chennai - 6.
2. The District Collector,
Ramanathapuram,
Ramanathapuram District.
3. The joint Director of Health Services,
O/o. Joint Director of Health Services,
Ramanathapuram,
Ramanathapuram District.
4. The Medical Officer,
Government Hospital,
Rameswaram, Ramanathapuram District. : Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari, to call for the records of the impugned order of suspension in proceedings in Ref. No.4548/SC/2018, dated 08.06.2018, on the file of the third respondent herein and quash the same as illegal and pass appropriate orders in the light of the Judgment passed in **Ajaykumar Choudry Vs. Union of India and another**, reported in 2015(7) SCC Page 291 in accordance with law.

For Petitioner : Mr.D. Balamurugapandi
For Respondents : Mr. Aayiram K. Selvakumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order of suspension in proceedings in Ref. No.4548/SC/2018, dated 08.06.2018, passed by the third respondent and pass appropriate orders in the light of Judgment passed in **Ajaykumar Choudry Vs. Union of India and another**, reported in 2015(7) SCC Page 291 in



accordance with law.

2. According to the petitioner, he was appointed as male Staff Nurse at Government Primary Health Centre, Theriruvelli, Paramakudi HUD, Ramanathapuram District on 26.02.2011 and then, he was transferred to Government Hospital, Rameswaram, as per proceedings of the first respondent in Ref. No.251/N2/2/2017-208A, dated 14.03.2017. According to the petitioner, due to civil dispute, he sent legal notice, dated 29.05.2018 to the Inspector of police, Temple Police Station, Rameswaram. Thereafter, one lady Manickam W/o.Late.Anandamurugan, who arranged by the respondent police, has lodged a false complaint against the petitioner and based on the said complaint, the respondent police has registered a case in Crime No.36 of 2018 for the offences under Section 294(b), 448, 323, 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Hence, he was remanded on 30.05.2018 and released on bail on 05.06.2018. Hence, the fourth respondent has passed the impugned order, dated 08.06.2018 in Ref. No.4548/SC/2018. Aggrieved over the same, the instant writ petition is filed.

3. The learned Additional Government Pleader appearing for the respondents would submit that the petitioner may be directed to approach the third respondent and to make a representation and on receipt of any such representation, the same shall be considered and appropriate orders will be passed by the third respondent.

4. In view of the above said submission made by the learned Additional Government Pleader appearing for the respondents and by taking note of the Judgment of the Hon'ble Supreme Court, reported in **Ajay Kumar Choudary Vs Union of India, 2015 3 CTC 119**, this Court directs the petitioner to make a representation to the third respondent, within a period of Two (2) weeks, from the date of receipt of copy of this order and on receipt of such representation the third respondent is directed to consider the said representation and shall pass an order on merits and in accordance with law, within a period of Twelve (12) weeks, thereafter.

5. With the above directions, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Director,
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Chennai - 6.

2. The District Collector,
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Ramanathapuram District.

3. The joint Director of Health Services,
O/o. Joint Director of Health Services,
Ramanathapuram,
Ramanathapuram District.

4. The Medical Officer,
Government Hospital,
Rameswaram, Ramanathapuram District.

+1CC TO MR.D.BALAMURUGAPANDI, Advocate Sr. No.80473

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 80607

W.P(MD) .No. 4647 of 2019

07.08.2019

TNSR(CO)

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