



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.MD).No.10515 of 2014

and

M.P. (MD)Nos.2 & 3 of 2014

A.L.Manimegalai

.. Petitioner

Vs.

1.The State of Tamilnadu

Represented by the Secretary,
Health and Family Welfare (B2) Department,
Fort St. George,
Chennai- 009.

2.The Director of Medical and Rural Health Services,
Teynampet,
Chennai- 006.

3.The Chief Resident Medical Officer,
Government Hospital,
Manamadurai,
Sivagangai District .

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent vide G.O.(Ms) No. 245 Health and family welfare (A2) Department dated 30.10.2013, and the order passed by the second Respondent in proceedings No. 70361/E6/1/2013 and No. 60900/E6/1/2011-4 dated 27.05.2014, quash the same insofar as the petitioner is concerned and consequently direct the Respondents to permit the petitioner to retire as Chief Civil Surgeon and grant her all consequential service and monetary benefits.

For Petitioner : Ms.D.Geetha

For R1 to R3 : Mr.M.Jeyakumar
Additional Government Pleader



ORDER

This Writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent vide G.O.(Ms) No. 245 Health and family welfare (A2) Department dated 30.10.2013, and the order passed by the second Respondent in proceedings No. 70361/E6/1/2013 and No. 60900/E6/1/2011-4 dated 27.05.2014, quash the same insofar as the petitioner is concerned and consequently direct the Respondents to permit the petitioner to retire as Chief Civil Surgeon and grant her all consequential service and monetary benefits.

2.This Writ Petition is identical with that of a batch of writ petitions in W.P.Nos.33641 & 30652 of 2013, etc., wherein, para 4 clause 3(1) of G.O.(Ms.) No. 245 Health and family welfare (A2) Department dated 30.10.2013, is quashed and the writ petitions were allowed.

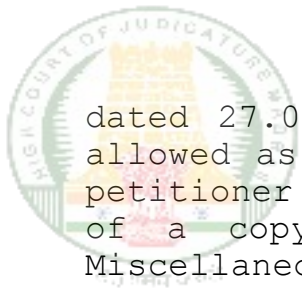
3.The petitioner joined service as Assistant Surgeon under the second respondent on 07.09.1993. She was promoted as Senior Assistant Surgeon on 19.04.2007 and again as Chief Civil Surgeon on 30.06.2011. The petitioner attained age of superannuation on 31.05.2014. Citing the impugned G.O., the promotion of petitioner as Chief Civil Surgeon was cancelled by the consequential order, dated 27.05.2014. Hence, the writ petition is filed.

4. The learned Single Judge while disposing of the batch of writ petitions in W.P.Nos.33641 & 30652 of 2013 etc., batch, has concluded as follows:

"25.In view of the discussions made above, the impugned clause in para 4 clause 3 (1) in G.O.Ms.No.245, Health and Family Welfare (A2) Department dated 30.10.2013, issued by the first respondent is quashed and the petitioners shall be allowed to perform their duties and responsibilities attached to the post of Chief Civil Surgeon, in accordance with the refitment order issued earlier. It is made clear that, if any dereliction or negligence of duty are found, it is left open to the respondents to periodically assess the work performed by the petitioners and initiate appropriate disciplinary action if necessary in accordance with the Tamil Nadu Conduct Rules and Discipline and Appeal Rules.

26.Accordingly, the writ petitions stand allowed. However, there is no order as to costs. Consequently, the connected Miscellaneous Petitions are closed. "

4. In the light of the above judgment impugned Government Order vide G.O.(Ms.) No. 245, Health and Family Welfare (A2) Department, dated 30.10.2013 and the order passed by the second respondent,



dated 27.05.2014 are quashed. Accordingly, this Writ Petition is allowed as prayed for. The monetary benefits shall be given to the petitioner within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Secretary,
Health and Family Welfare (B2) Department,
Fort St. George, Chennai- 009.

2.The Director of Medical and Rural Health Services,
Teynampet, Chennai- 006.

3.The Chief Resident Medical Officer,
Government Hospital,
Manamadurai, Sivagangai District.

+1 CC to M/s.GP (SR-98831[F] dated 15/11/2019)

+1 CC to M/s.D.GEETHA, Advocate (SR-99125[F] dated 18/11/2019)

W.P.MD).No.10515 of 2014
14.11.2019

JMN(17.12.2019) 3P : 6C