

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2085 of 2020
and W.M.P No.2436 of 2020

Dr.Dhamayanthi Rajkumar

Petitioner

vs.

1. The Government of Tamilnadu,
Rep. by the Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
2. The Director of Public Health and
Preventive Medicine,
Chennai - 600 006.
3. The Joint Director of Health Services,
No.406, 4th Floor, Collectorate,
Salem 636 001.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in R.No.37719/PHC3/A4/2-18-1 dated 20.04.2018 and quash the same and direct the respondents to grant all attendant benefits to the petitioner.

For Petitioner : Mr.T.N.Sugesh

For Respondents: Mr.P.Selvakumar
Additional Government Pleader

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O R D E R

By consent of both sides, this writ petition is taken up for final disposal.

2.This writ petition has been filed challenging the order of suspension passed by the 2nd respondent dated 20.04.2018.

3.The case of the petitioner is that the petitioner was working as Chief Civil Surgeon at the Primary Health Centre in Salem District. An FIR came to be registered against the

petitioner in Crime No.163 of 2018 for the offences under Sections 23(1), (2) & (3) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994. The petitioner was arrested and remanded to judicial custody on 20.04.2018 and the hospital that was run by the petitioner was also sealed. The petitioner was thereafter, immediately suspended from service by the 2nd respondent by his proceedings dated 20.04.2018. It is the further case of the petitioner that, the criminal proceedings against the petitioner has already been stayed by this Court in Crl.O.P.No.2709 of 2019 and an order was also passed in W.M.P. No.5139 of 2019 in W.P.No.4551 of 2019 to remove the seal of the hospital run by the petitioner.

4.The grievance of the petitioner is that the petitioner has been kept under prolonged suspension for more than one and half years and the same has not been reviewed till date. The petitioner has made a representation bringing to the notice of the 2nd respondent about the subsequent developments by representations dated 28.04.2019 and 27.06.2019. Since, the same did not evoke any response, the present writ petition has been filed challenging the order of suspension passed by the 2nd respondent.

5.Heard Mr.T.N.Sugesh, learned counsel appearing on behalf of the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader appearing on behalf of the respondents.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already made two representations to the 2nd respondent bringing to his notice about the stage of the criminal proceedings and the long pending suspension, the 2nd respondent shall pass necessary orders, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with the copy of the representations dated 28.04.2019 and 27.06.2019 and also a copy of this order.

7.This writ petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed. No Costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssr

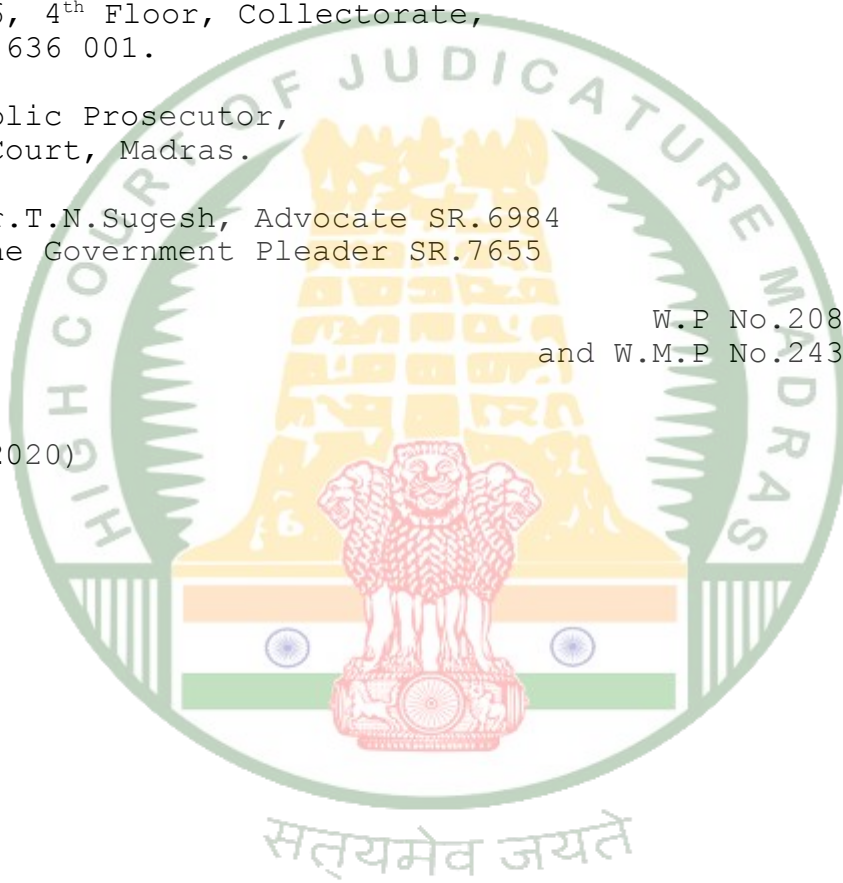
To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 9.
2. The Director of Public Health and
Preventive Medicine,
Chennai - 600 006.
3. The Joint Director of Health Services,
No.406, 4th Floor, Collectorate,
Salem 636 001.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.N.Sugesh, Advocate SR.6984
+1cc to the Government Pleader SR.7655

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SR(CO)
CB(04/03/2020)



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