

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11181 of 2013

And

M.P.No.1 of 2013

Dr.A.Bhagavathi Ammal

... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Secretary,
Health & Family Welfare Department,
Fort St.George, Chennai - 9.

2.The Director of Medical & Rural Health Services
Chennai - 600 006. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to regularize the suspension period from 08.02.1995 to 16.01.1998 and the period of out of employment from 17.01.1998 to 31.08.2009 as duty for all purposes as per fundamental rule 54 and confer all the retirement and terminal benefits after refixing the petitioner pay scales with due regards to petitioner's seniority and with interest for the delayed payment.

For Petitioner: Mr.R.S.Anandan

For Respondents: Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to regularize the suspension period from 08.02.1995 to 16.01.1998 and the period of out of employment from 17.01.1998 to 31.08.2009 as duty for all purposes as per Fundamental Rule 54 and to confer all the retirement and terminal benefits after refixing the petitioner's pay scales with due regards to petitioner's seniority and with interest for the delayed payment.

2.The case of the petitioner is that while the petitioner was working as an Assistant Surgeon in the Head Quarters Hospital, Tuticorin, he was placed under suspension on 08.02.1995 as per the proceedings of the second respondent. A charge memo was issued to him under Rule 17 (b) of the Tamil Nadu Civil Service (D & A) Rules on 17.07.1995 and after enquiry, since the Enquiry Officer held the charge against the petitioner was proved, the petitioner was awarded with the punishment of removal from service by the first respondent on 16.01.1998.

3.It is the further case of the petitioner that challenging the order of punishment, the petitioner filed O.A.No.8076 of 1998 before the Tamil Nadu Administrative Tribunal. On abolition of the Tribunal, O.A.No.8076 of 1998 was transferred to this Court and was numbered as W.P.No.38131 of 2006 and this Court vide order dated 25.03.2010 allowed the writ petition and further directed the respondents therein to settle the terminal benefits payable to the petitioner. Thereafter, the petitioner made representation to the first respondent on 21.06.2010 seeking to settle all the benefits payable to the petitioner, however, the same has not yet been considered. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the respondents themselves in paragraph nos.7 and 8 of their counter affidavit have stated that necessary orders have been issued to regularize the suspension period from 08.02.1995 to 16.01.1998 and the period of out of employment from 17.01.1998 to 31.08.2009 as duty. However, the monetary benefits have not yet been settled in favour of the petitioner. Hence, it would suffice, if this Court issues direction to the respondents to settle the monetary benefits in favour of the petitioner, within a reasonable time.

5.The learned Special Government Pleader appearing for the respondents submitted that since the respondents fairly admitted in paragraph nos.7 and 8 of the counter affidavit that necessary orders have been issued dropping the charges framed against the petitioner and to regularize the period from 08.02.1995 to 31.08.2009 as duty, this Court may issue direction to the respondents to settle the monetary benefits in favour of the petitioner, if not already settled.

6.In view of the submissions made on either side, this Court directs the respondents to settle the eligible monetary benefits in favour of the petitioner, if not already settled, within a period of three months from the date of receipt of a copy of this order.

7.This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

pri

To

1.The Secretary,
Health & Family Welfare Department,
Fort St.George, Chennai - 9.

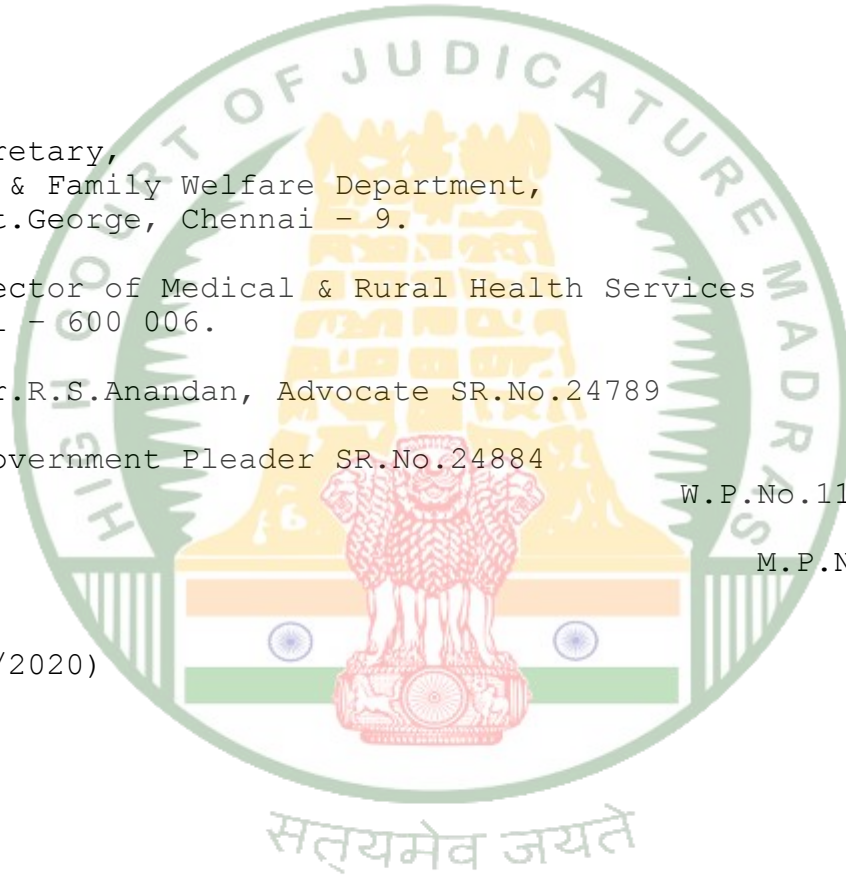
2.The Director of Medical & Rural Health Services
Chennai - 600 006.

+1cc to Mr.R.S.Anandan, Advocate SR.No.24789

+1cc to Government Pleader SR.No.24884

W.P.No.11181 of 2013
And
M.P.No.1 of 2013

RSV (CO)
GMY (03/08/2020)



WEB COPY