



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.2078 of 2013

and

M.P(MD).No.2 of 2013

Dr.Kowasalyal

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare (R2) Dept.,
Fort St.George, Chennai-9.
2. The Director of Medical
and Rural Health Services,
Chennai.
3. Joint Director of Health Services /
Enquiry Officer, Nagapattinam.
4. The Chief Civil Surgeon,
Medical Officer,
Government Hospital,
Karaikudi, Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned G.O(Pa.) No.1409, dated 28.12.2011 issued by the first respondent and quash the same.

For Petitioner : Mr.M.Saravanan
For Respondents : Mr.G.Arjunan, Govt. Advocate,
for R1 to R4

O R D E R

The order of punishment dated 28.12.2011 imposing the punishment of stoppage of increment for one year without cumulative effect is under challenge in the present writ petition.

2. The writ petitioner was working as Assistant Surgeon and on account of certain allegations regarding the medical negligence, charge memorandum was issued. Undoubtedly, the allegations are serious in nature as it relates to medical negligence and involving the life of the patients. Undoubtedly, the Doctors are expected to be cautious. Enquiry was conducted and based on the proved charges, the first respondent/Government imposed the punishment of stoppage of increment for one year without cumulative effect.



3. The writ petitioner now retired from service. Considering the nature of the allegations and the quantum of punishment imposed, this Court do not find any infirmity or perversity. The punishment cannot be said to be not in commensuration with the gravity of the allegations. In fact, the punishment is minor in nature and the procedures contemplated under the Discipline and Appeal Rules were also followed.

4. This being the factum, there is no acceptable grounds raised in the writ petition for the purpose of considering the relief as such sought for.

5. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. Principal Secretary,
The State of Tamil Nadu,
Health and Family Welfare (R2) Dept.,
Fort St.George, Chennai-9.

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

3. Joint Director of Health Services /
Enquiry Officer, Nagapattinam.

4. The Chief Civil Surgeon,
Medical Officer,
Government Hospital, Karaikudi, Sivagangai District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-26141[F] dated 18/12/2020)

+1 CC to M/s.GP (SR-26215[F] dated 18/12/2020)

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