



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 24.03.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P (MD)No.5994 of 2020**

Ganesh Babu

... Petitioner

Vs.

1.The Joint Director,  
Medical and Rural Health Services,  
Virudhunagar.

2.The Joint Director,  
District Aids Controlling Officer,  
District Aids Controlling Division,  
District Collectorate Office, Virudhunagar,  
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order bearing Ref.No.8742/Sc/2018 dated 25.12.2018 on the file of the first respondent and quash the same and consequently direct the respondents to reinstate the petitioner into service with all consequential monetary and service benefits.

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.M.Rajarajan

Government Advocate

**O R D E R**

Mr.M.Rajarajan, learned Government Advocate takes notice for the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The grievance of the petitioner is that the petitioner was appointed as Lab Technician in Government Hospital, Sivakasi and joined in Service on 11.04.2009 and have been discharging his duties without any complaint. The HIV Positive Blood was donated by one Ramesh and it was transfused to one patient. In this regard enquiry was conducted and was suspended by order dated 25.12.2018. The said Ramesh donated his blood on 30.11.2018. During that time, he was not in Service in Nambikai Maiyam in Sivakasi Government Hospital. The first respondent had passed an impugned order of suspension dated 25.12.2018. Till date no charge memo is served. The first respondent has not passed any reasoned order on extended of suspension. Hence, the petitioner had given representation to the 1<sup>st</sup> respondent on 09.10.2019 and to the 2<sup>nd</sup> respondent on 20.11.2019.



But the respondents not passed any order to revoke the suspension or review the same. Hence, this writ petition.

4. Though the petitioner seeks larger relief, at the time of arguments the learned Counsel appearing for the petitioner would submit that it would be suffice, if the representations of the petitioner dated 09.10.2019 and 20.11.2019, is disposed of by the respondents, on merits, as expeditiously as possible.

5. The learned Government Advocate appearing for the Respondents on instructions would submit that no such representation was received. The petitioner shall be directed to submit a fresh representation and thereafter, the authorities shall consider the same.

6. The charge against the petitioner is grievous in nature. However, liberty is granted to the petitioner to give a fresh representation to the respondents. It is open to the petitioner to make a report to the authorities, if any such representation is made.

7. Under such circumstances, this writ petition is disposed of, directing the petitioner to submit a fresh representation to the first respondent along with documentary evidence, if any within a period of two weeks from the date of receipt of a copy of this order and on such filing, the first respondent is directed to consider the same on merits and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any, as expeditiously as possible. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To: -

1. The Joint Director,  
Medical and Rural Health Services, Virudhunagar.

2. The Joint Director,  
District Aids Controlling Officer,  
District Aids Controlling Division,  
District Collectorate Office, Virudhunagar, Virudhunagar District.

+1 CC to M/s. P. EDINBROUGH, Advocate ( SR-12921[F] dated 24/03/2020

**W.P(MD)No.5994 of 2020**

24.03.2020