

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021
CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.9608 OF 2021
&
W.M.P.NO.10188 OF 2021

S.Janakiraman

.. Petitioner

Versus

1. State of Tamilnadu Rep by
Secretary to Government
Health and Family Welfare Department
Government of Tamilnadu
Secretariat, Chennai-600 009
2. Director of Medical and Rural Health Services
Directorate of Medical Services
Teynampet, Chennai-600 006

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of 1st respondent in and connected with G.O(D)No.343 dated 16.03.2020 and G.O.(D)No.986 H & FW department dated 18.09.2012 quash the same and direct the respondents.

For Petitioner : Mr.B.Satish Sundar

For Respondents: Mr.R.Govindasamy, Spl.Govt.Pleader

O R D E R

By an order dated 12.11.2019 in W.P.No.8548 of 2013, this Court while considering the challenge to the punishment order is concerned directed him to approach this Court after the disposal of the review petition filed before the authority. While passing that order liberty was granted to the petitioner to raise additional grounds and to file additional documents in support of his contention. As such the petitioner has submitted the additional documents to the authorities.

2. Mr.R.Govindasamy, Special Government Pleader takes notice for the respondents.

3. Even though a specific point was raised with regard to a charge which was not proved, which the disciplinary authority decided to deviate from the findings of the enquiry officer has not issued any notice nor provided opportunity to petitioner to make his submissions and decided. When this point is specifically raised in the additional grounds, the reviewing authority without adverting to the same has mechanically passed the impugned order dated 16.03.2020 observing that the review petitioner has not put forth any fresh grounds to reconsider the punishment imposed on him. There is no reference to the additional grounds raised by the petitioner and discussion on the points raised. As stated supra, this Court has given to liberty to the petitioner to file additional documents. In that case, it is incumbent on the authority to render his finding on the additional documents, which he has not done. Thus this impugned order is absolutely without application of mind. Therefore, this Court is inclined to set aside the impugned order passed by the respondent in G.O.D.No.343, Health and Family Welfare Department dated 16.03.2020 and remit it back to the authority to consider all the issues on merits and pass a speaking order within a period of eight weeks from the date of receipt of a copy of this order after affording opportunity of personal hearing to the petitioner.

The Writ Petition is disposed of with the above observation and direction. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KPR

To

1. The Secretary to Government,
State of Tamilnadu Health and Family Welfare Department
Government of Tamilnadu, Secretariat, Chennai-600 009.
2. Director of Medical and Rural Health Services
Directorate of Medical Services
Teynampet, Chennai-600 006.

+1cc to Mr.B.Satish Sundar, Advocate, S.R.No.23544

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SVI (CO)
CS/23/06/2021