



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.35089 OF 2019

1. A.Amala,
W/o. S.Arun Kumar (late)
2. P.Sumathi,
W/o. Prem Kumar
3. S.Rekha,
W/o. S.Sudhakar
4. K.Lakshmi,
W/o. Kumarappan
5. M.Selvi,
W/o. S.Murugan
6. U.Shankari,
W/o. M.Umapathy
7. V.Mala,
W/o. Velu
8. B.Sermakanni,
W/o. Baskar
9. S.Bavani,
W/o. Somasundaram
10. M.Kumaresan,
S/o. A.Munusamy

... Petitioners

.Vs.

1. The Secretary to Government
Health & Family Welfare Department
Fort.St.George, Chennai-600 009.
2. The Director of Public Health & Preventive Medicine,
DMS Campus,
Chennai.
3. R.Sumathi,
Village Health Nurse,
Govt. Primary Health Cum Centre, Medavakkam,
Pallikarani,
Chennai-600 100
4. Block Medical Officer,
Upgrade Primary Health Centre, Medavakkam,
Chennai-600 100 (R4 impleaded as per order dated
30/.1/2020 made in WMP.1767/2020 in WP.35089/2019 by CVKJ)

... Respondents



Prayer:

Petition filed under Article 226 of the Constitution of India to issue direction to the respondents 1 and 2 to take action on the representation of the petitioner dated 15.07.2019 and disburse the amounts due to the petitioners under the "Dr.Muthulakshmi Reddy Maternity Benefit Scheme" and to take disciplinary action against the 3rd respondent for failure to disburse the above said benefit to the petitioners.

For Petitioners : M/s. A.Arulmozhi

For Respondents R1 and R2 : Mr.R.Ramanlal
(Additional Advocate General)
Assisted by Mr.U.Baranidharan
(Government Advocate)

For Respondent R3 : Mr.V.M.Venkatramana

O R D E R

The petitioner has filed this writ petition seeking to issue direction to the respondents 1 and 2 to take action on the representation of the petitioner dated 15.07.2019 and disburse the amounts due to the petitioners under the "Dr.Muthulakshmi Reddy Maternity Benefit Scheme" and to take disciplinary action against the 3rd respondent for failure to disburse the above said benefit to the petitioners.

2. The case of the petitioners is that the petitioners are beneficiaries of "Dr.Muthulakshmi Reddy Maternity Benefit Scheme" implemented by the 1st respondent vide G.O.(MS) 276 dated 03.11.2021 Health & Family Welfare Department and they were not provided the benefits by the high handed act of the 3rd respondent who is duty bound to disburse the amounts sanctioned by the Government, due to which the petitioners reported the matter to the concerned authorities. As the 3rd respondent was so influential, all the complaints made against her were thrown into dustbins. Thereafter, left with no other option, the petitioners made a complaint to the Hon'ble Chief Minister's cell and was directed to the 2nd respondent who had conducted an enquiry and in the end of which, it was found that the 3rd respondent had committed large scale irregularities in the disbursement of funds under the "Dr.Muthulakshmi Reddy Maternity Benefit Scheme". Even though the Deputy Director of Health Services, Saidapet imposed punishment of stoppage of increment for two years with cumulative effect on the 3rd respondent after conducting disciplinary proceedings, the monetary benefits due to the petitioners were not distributed. Further the petitioners



came to know that the 3rd respondent preferred an appeal to the 2nd respondent against the punishment imposed and that the 2nd respondent dropped the charges without giving any opportunity to the petitioners. Thereafter, the petitioners have made representation and also caused legal notice dated 05.12.2018, 08.02.2019 and 30.04.2019 but no action has been taken on the representations. Challenging the same, the present writ petition is filed by the petitioners.

3. The learned counsel appearing for the petitioners submit that "Dr.Muthulakshmi Reddy Welfare Scheme" was announced by the Government of Tamil Nadu whose beneficiaries were none other than poor pregnant women and the said scheme was introduced in the year 2006 and the petitioners are the beneficiaries. Since, the 3rd respondent failed to discharge her duties under the said scheme, this Court may issue a direction to the official respondents to implement the scheme in letter and spirit and direct them to disburse the amount to the petitioners and to the concerned local people within a reasonable time period. Hence, he prays to allow this writ petition.

4.The learned counsel appearing for the third respondent filed a counter submitting that there should be one village Health Nurse for every 5000 people in an area but the population of the Pallikaranai village was up to 1,00,000 people during the year 2011. At present there are only eight village health nurses at the Pallikaranai Health Sub Centre and the 3rd respondent is one among them working in the said village and further submits that all the applications which was prepared by the 3rd respondent were forwarded to the higher officials for disbursal to the beneficiaries. Thereby, this Court may issue direction to the other officials to disburse the amount in favour of the concerned beneficiaries. Hence, he pray for dismissal of the present petition filed by the petitioner.

5. Mr.R.Ramanlal, learned Additional Advocate General assisted by Mr.U.Baranidharan, learned Government Advocate submit that the respondent 1 and 2 will take earnest steps to disburse the amount to the concerned beneficiaries within a reasonable time as fixed by this Court.

6. As per the G.O. (MS) 276 Health and Family Welfare (EAP II-1) Department dated 03.11.2011, the liable beneficiaries should stand benefited, this Court is inclined to issue direction to the 1st respondent and 2nd respondent to implement the G.O. (MS) 276 dated 03.11.2011 Health & Family Welfare (EAPII-1) Department and disburse the amount to the eligible beneficiaries (petitioners and eligible beneficiaries except the 10th petitioner) within a period of three months from the date of receipt of copy of this Order.



7. Accordingly, this writ petition is allowed with the above terms and the appearance of all the respondents are dispensed with.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Health & Family Welfare Department
Fort.St.George, Chennai-600 009.
2. The Director of Public Health & Preventive Medicine,
DMS Campus,
Chennai.
3. The Block Medical Officer,
Upgrade Primary Health Centre, Medavakkam,
Chennai-600 100.

+1cc to M/s. A.Arulmozhi, Advocate, S.R.No.59154
+1cc to Mr.V.M.Venkatramana, Advocate, S.R.No.59686
+1cc to the Government Pleader, S.R.No.59456

W.P.No.35089 of 2019

RR(CO)
PM/14/12/2021