



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.11800 of 2020

and

W.M.P (MD) Nos.10220, 10223 and 10224 of 2020

M.Jeyaraj

... Petitioner

Vs

1.The State of Tamil Nadu,
represented by its Secretary,
Department of Public,
Fort Saint George,
Chennai - 600 009.

2.The State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Fort St.George,
Chennai - 600 009.

3.The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk, Chennai - 10

4.The Principal Accounts General (Tamil Nadu),
No.361, Annasalai,
Tenampet, Chennai - 600 018.

5.The Pay and Accounts Officer,
Office of the District Secretary,
Madurai - 625 020.

6.The Dean,
Government Rajaji Hospital,
Madurai - 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned charge memo issued by the Respondent No.3 in ref.No.61839/SCI/3/2017, dated 20.03.2018 and consequential G.O(D)No.1075 dated 28.06.2019 issued by the Respondent No.2 relating to the withholding of terminal benefits issued against the petitioner and quash the same as illegal,



arbitrary, without any authority / jurisdiction and consequently, direct the Respondent No.2 to pay all the terminal benefits (gratuity, provident fund and leave encashment) along with interest as fixed by this Court from the date of his retirement.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.G.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition is filed challenging the charge memo issued by respondent No.3 in ref.No.61839/SCI/3/2017, dated 20.03.2018 and the consequential order passed in G.O(D)No.1075 dated 28.06.2019 issued by respondent No.2, withholding the terminal benefits.

2.The learned Counsel for the petitioner submits that the petitioner was appointed as Medical Officer in the year 1990 in the Government Primary Health Centre, Nerkuppai, Sivagangai District and he was allowed to retire on 30.06.2019 due to superannuation. But in the meantime on 22.03.2018 he was issued with the impugned charge memo. Challenging the same petitioner had earlier filed a writ petition in W.P(MD)No.9256 of 2019 and this Court by order dated 16.04.2019 granted order of interim stay and finally disposed of the writ petition on 23.10.2019 with a direction to the respondents to conclude the departmental proceedings initiated against the petitioner within a period of six months from the date of receipt of a copy of the order.

3.The learned Counsel further submits that since the enquiry was not completed as directed the petitioner has filed a contempt petition in Cont.P(MD)No.9256 of 2021 and the same is also pending. Therefore, the petitioner is before this Court.

4.The learned Additional Government Pleader appearing for the respondents submits that the petitioner has earlier challenged the very same charge memo before this Court in W.P(MD)No.9256 of 2019 and this Court by order dated 23.10.2019 disposed of the same with a direction to complete the departmental proceedings within a period of six months. When this Court has already passed an order directing to conclude the enquiry, this writ petition is not maintainable.

5.This Court has paid its anxious consideration to the rival submissions and perused the materials placed on record.

6.It is seen that the petitioner has already challenged the very same charge memo in the writ petition in W.P(MD)No.9256 of 2019 and this Court by order dated 23.10.2019 itself directed the respondents to conclude the departmental proceeding within period of six months. The petitioner alleges that despite the direction and



filing of the contempt petition, so far the enquiry has not been completed and the terminal benefits due to the petitioner have not been paid so far. There is no explanation from the respondents, either explaining the reason for not completing the enquiry proceedings nor have they completed enquiry as directed.

7. In the light of the above, the writ petition is disposed of with a direction to the respondents to conclude the departmental proceedings within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary,
Department of Public,
Fort Saint George,
Chennai - 600 009.
2. The Secretary,
Department of Health and Family Welfare,
Fort St. George,
Chennai - 600 009.
3. The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk, Chennai - 10
4. The Principal Accounts General (Tamil Nadu),
No.361, Annasalai,
Tenampet, Chennai - 600 018.



5.The Pay and Accounts Officer,
Office of the District Secretary,
Madurai - 625 020.

6.The Dean,
Government Rajaji Hospital,
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+1 CC to M/s.SPL.GP (SR-39694[F] dated 21/12/2021)

**W.P (MD) No.11800 of 2020
20.12.2021**

RK(21/02/2022) 4P 8C