



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.14547 of 2021

And

WMP(MD) Nos.11484, 11485 and 11486 of 2021

WEB COPY

M. Kalpana, (Under Suspension),
Village Health Nurse,
Government Primary Health Centre,
Kadamalaikundu,
Aundipatti Taluk,
Theni District.

... Petitioner

Vs.

1. The Director of Public Health
and Preventive Medicine,
O/o. The Directorate of Public Health
& Preventive Medicine,
Chennai.

2. The Deputy Director of Health Service,
O/o. Deputy Director of Health Service Office,
Theni,
Theni District.

3. The Block Medical Officer,
Primary Health Centre,
Gandamanur,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of suspension passed by the second respondent in his proceedings in R.No.3257/A3/2019 dated 21.12.2019 and the consequential rejection order passed by the second respondent in his proceedings in R.No.3257/A2/2019 dated 04.03.2021 and quash the same as illegal and consequentially to direct the respondents either to reinstate the petitioner in service in the light of order made in Ajay Kumar Choudhary Vs Union of India Case reported in 2015(7) SCC 291 and in the light of order made in W.A.No.613 of 2017 dated 15.06.2017 or pay 100 % subsistence allowance in terms of Section 3(1) of the Tamil Nadu Payment of Subsistence Allowance Act, 1981 within the period that may be stipulated by this Court.

For Petitioner

: Mr. A. Nawaz Khan
for M/s. Ajmal Associates

For Respondents

:Mr.S. Shanmugavel
Standing Counsel



ORDER

Mr.S. Shanmugavel, learned Standing Counsel for the respondents has placed the proceedings in R.No.96663/DA/S4/2019, wherein the Director of Public Health and Preventive Medicine has revoked the suspension order passed against the petitioner and directed her to join duty immediately.

2. In view of the said order passed by the first respondent, nothing survives for adjudication in the present writ petition. Therefore, the Writ Petition is dismissed as infructuous. The petitioner is granted liberty to make a fresh request to the concerned authority in case of any grievance. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Director of Public Health
and Preventive Medicine,
O/o. The Directorate of Public Health
& Preventive Medicine, Chennai.
2. The Deputy Director of Health Service,
O/o. Deputy Director of Health Service Office,
Theni, Theni District.
3. The Block Medical Officer,
Primary Health Centre,
Gandamanur,
Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-29060[F] dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-28949[F] dated 14/09/2021)

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