



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

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THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

**W.P. (MD)No.23140 of 2015**

D.Sangeetha

... Petitioner

vs.

1.The Director,  
Medicine and Rural Service Welfare  
Department,  
Chennai - 6.

2.The Joint Director (Health Services),  
Karur District, Karur.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the second respondent passed in his proceedings, Na.Ka.No.5111/Ne2/2010, dated 06.11.2010 and to quash the same as illegal consequently to direct the second respondent to reinstate the petitioner in service with continuity of service and monetary benefits.

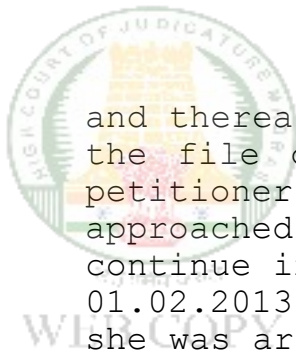
For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.D.Sachi Kumar  
Additional Government Pleader

**O R D E R**

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings, Na.Ka.No.5111/Ne2/2010, dated 06.11.2010 and consequently to direct the second respondent to reinstate the petitioner in service with continuity of service and monetary benefits.

2.The petitioner is destitute widow, she was appointed as Hospital Staff in Government Hospital, Karur, on 05.09.2009, vide order, dated 28.05.2009. On 05.02.2010, she was transferred from Government Hospital, Karur to Government Hospital, Krishnarayapuram. A case was registered against the petitioner and three others in Crime No.18 of 2010 under Section 498-A and 494 of IPC, based on the complaint of one Suganthi. In the case, the petitioner was arrested,



and thereafter, the petitioner faced trial in C.C.No.337 of 2011, on the file of Judicial Magistrate No. II, Salem and thereafter the petitioner was acquitted on 05.07.2012. Thereafter, the petitioner approached the respondents and prayed to permit the petitioner to continue in service. The second respondent, vide proceedings, dated 01.02.2013, had sent a communication, stating that on 10.10.2010, she was arrested and thereafter, the petitioner has not reported for duty. Based on the unauthorized absence, the petitioner was terminated from service on 06.11.2010. Since the said termination order was not served to the petitioner, the petitioner filed a Writ Petition in W.P.(MD)No.1119 of 2015, to direct the respondents to permit the petitioner to join the service. At the time of hearing the writ petitioner the respondents had served the copy of the termination order. After receiving the copy of the termination order, the petitioner has filed the present Writ Petition to quash the impugned order and to direct the respondents to reinstate the petitioner with continuity of service and monetary benefits.

3. The respondents have filed the counter affidavit, stating that since the petitioner has not reported duty for more than eight months, the petitioner's absence was considered as unauthorized absence. Thereafter, she was terminated from service. Since the petitioner is a daily wages employee, on a temporary basis, the petitioner was terminated without any intimation. Since the post is being filled by direct recruitment, the petitioner's application for reinstatement cannot be considered.

4. Heard Mr.T.Lenin Kumar, learned Counsel appearing for the petitioner and Mr.D.Sachi Kumar, learned Additional Government Pleader appearing for the respondents.

5. On perusing the records it is seen that the petitioner is a destitute widow and after registering herself with the Employment Exchange and after waiting for some years, she has got this appointment. Because of reckless allegation by one Suganthi, a FIR came to be registered in Crime No.18 of 2010. After contesting the case, the petitioner was acquitted on 05.07.2012. Even though the petitioner is a daily wages employee working on a temporary basis, the respondents ought to have issued a show cause notice prior to her termination, since it is affecting her civil rights. Since the petitioner is a destitute widow, this Court is of the considered view that the respondents ought to take her into service.

6. Therefore this Court is setting aside the impugned order termination and the respondents are directed to appoint the petitioner in the same post or else in any available post as a new entrant. The petitioner is not entitled to any continuity of service or back wages. The above exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.



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7. Accordingly, the Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

Tmg

To

1. The Director,  
Medicine and Rural Service Welfare  
Department,  
Chennai - 6.

2. The Joint Director (Health Services),  
Karur District, Karur.

+1 CC to M/s.SPL GP ( SR-39490[F] dated 20/12/2021 )

+1 CC to M/s.T.LENIN KUMAR, Advocate ( SR-39570[F] dated  
20/12/2021 )

W.P. (MD) No. 23140 of 2015

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