



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P (MD)No.7303 of 2017**

WEB COPY

Grace Kamala Bai

... Petitioner

Vs

1. The Director of Medical and  
Rural Health Services,  
Teynampet,  
Anna Salai,  
Chennai - 600 006.

2. The Joint Director,  
Medical Health Services,  
Ooty, Nilgiris District.

3. The Accountant General,  
Anna Salai, Chennai.

... Respondents

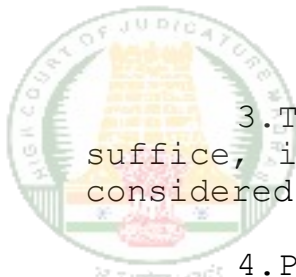
**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus, directing the respondents herein to disburse the terminal benefits due to the petitioner within a time frame as fixed by this Court.

|                |   |                     |
|----------------|---|---------------------|
| For Petitioner | : | M/s.M.Padmavathy    |
| Respondent     | : | Mr.A.Karthik,       |
| Nos.1 and 2    |   | Government Advocate |
| For Respondent | : | Mr.P.Gunasekaran    |
| No.3           |   |                     |

### **ORDER**

This writ petition has been filed seeking a direction to the respondents herein to disburse the terminal benefits due to the petitioner within a time frame as fixed by this Court.

2.The case of the petitioner is that she joined duty as a Staff Nurse in Medical Department on 16.07.1978 in the Government Hospital, Aruppukottai. Subsequently was transferred to E.S.I Hospital on 08.12.1979 and was serving till 29.07.1988. While so, since she fell ill, she was on leave from 30.07.1988 to 28.08.1989 and subsequently, was transferred to the Government Hospital, Kothagiri, Nilgiris District and worked till 31.07.1993 and she attained the age of superannuation on 30.11.2007. However the leave period was not regularised and the terminal benefits were also not paid to her. Therefore, the petitioner has made a representation to the respondents on 13.02.2017 in this regard and the said representation has not been acted upon by the respondents. Therefore, the petitioner is before this Court.



3.The learned Counsel for the petitioner prayed that it would suffice, if the representation of the petitioner is directed to be considered within a specified time.

4.Per contra the learned Additional Government Pleader appearing for the respondent Nos.1 and 2 submits that though the petitioner served under the respondent Medical Department and attained the age of superannuation on 30.11.2007, she was unauthorisedly absent from duty between 07.08.1993 and 30.11.2007, for more than a decade. Therefore, the department had initiated disciplinary action against the petitioner vide proceedings No.4686/E2/2017, dated 08.06.2017 after tracing her whereabouts, as on date, the said disciplinary proceedings are pending and the petitioner's representation could not be considered due to the pendency of the disciplinary proceedings.

5.Heard the learned Counsel on either side and perused the materials on record.

6.Admittedly, the petitioner worked in the respondent Department as a Staff Nurse in several hospitals for various periods. However, according to the petitioner due to her health condition, she was on a long leave, which according to the respondents is an unauthorised absent and they have initiated disciplinary proceedings against the petitioner for her unauthorised absence. Under such circumstances, without concluding the disciplinary proceedings, the claim of the petitioner's could not be directed to be considered by the respondents at this stage. Therefore, the writ petitioner is liable to be dismissed.

7. In the result, the writ petition is dismissed. However, the petitioner is at liberty to approach the respondents again, once the disciplinary proceedings are concluded. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Director of Medical and  
Rural Health Services,  
Teynampet,  
Anna Salai,  
Chennai - 600 006.



2. The Joint Director,  
Medical Health Services,  
Ooty, Nilgiris District.
3. The Accountant General,  
Anna Salai, Chennai.

+1 CC to M/s.SPL GP ( SR-10880[F] dated 12/03/2021 )

W.P (MD) No.7303 of 2017  
11.03.2021

SMV (CO)  
KB (25.03.2021) 3P 5C