



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.03.2021**

CORAM

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

W.P. (MD) .No.13001 of 2017

A.Ayyammal

... Petitioner

Vs.

1.The Secretary to Government
Health Department
Secretariat, Chennai - 600 009.

2.The Director
Public Health and Preventive Medicine
Chennai - 600 006.

3.The Deputy Director Health Services
Theni, Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Community Health Nurse with all monetary benefits, based on the petitioner's representation, dated 09.05.2017.

For Petitioner	: Mr.D.Anbarasan
For Respondents	: Mr.M.Muthugeethayan, Special Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondents to promote the petitioner as Community Health Nurse with all monetary benefits, based on the petitioner's representation, dated 09.05.2017.

2. The case of the petitioner is that the petitioner was appointed as Multipurpose Health Worker in Primary Health Centre, Kombai in the year 1981 and she rendered 37 years of service without any adverse remarks. While so, her name was included in the panel for the year 2014 - 2015, for promotion to the post of Community Health Nurse. However, she was not promoted till date. Hence, in order to avail such a benefit, the petitioner has made a representation to the respondents on 09.05.2017. However, till date no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned Special Government Pleader appearing for the

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respondents would submit that due to the disciplinary proceedings pending against the petitioner, she was not considered for promotion and subsequently, she was imposed the punishment of Rs.50/- cut for one year in her pension. Hence, nothing survives in this writ petition for adjudication.

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4. Considering the facts and circumstances of the case, initially, due to the disciplinary proceeding pending against the petitioner, the petitioner's name was not considered for promotion and subsequently, the disciplinary proceeding was over and a punishment was imposed. Thereafter, the petitioner was retired from service. Hence, the prayer sought for by the petitioner cannot be considered and this writ petition is dismissed. However, liberty is granted to the petitioner to work out the remedy, in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1.The Secretary to Government
Health Department
Secretariat, Chennai - 600 009.

2.The Director
Public Health and Preventive Medicine
Chennai - 600 006.

3.The Deputy Director Health Services
Theni, Theni District.

+1 CC to M/s.SPL GP (SR-11547[F] dated 16/03/2021)

W.P. (MD) .No.13001 of 2017

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