



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

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

W.P. (MD)No.17344 of 2017

Prabavathi Anbarasi

... Petitioner

Vs.

1.The Principal Secretary to Government,
Health and Family Welfare (L-2) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk, Chennai-600 010.

3.The Director of Medical Services,
Teynampet, Chennai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant increments to the petitioner from the period of October 2002 and to include the petitioner's name in promotion panel for the post of Nursing Superintendent (Grade-II) fixing her seniority number as 7085 by considering the representation of the petitioner, dated 10.10.2016.

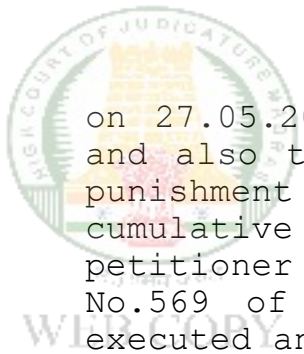
For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.M.Muthugeethaiyan
Special Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondents to grant increments to the petitioner from October 2002 and to include her name in the promotion panel for the post of Nursing Superintendent (Grade-II) fixing her seniority number as 7085, by considering the representation of the petitioner, dated 10.10.2016.

2. The case of the petitioner is that she was appointed as Staff Nurse in Tirunelveli Medical College, Tirunelveli. A charge memo was issued against the petitioner on 10.12.2001, under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Further, her explanation was not accepted and an enquiry officer was appointed to conduct an enquiry. Again, the very same charge memo was issued by superseding the earlier charge memo, dated 10.12.2001. Once again, the petitioner has submitted an explanation



on 27.05.2003. But, without accepting the petitioner's explanation and also the enquiry report, the first respondent has imposed the punishment of stoppage of increment for a period of two years with cumulative effect. Challenging the said order of punishment, the petitioner has filed a writ petition before this Court in W.P.(MD). No.569 of 2009. Since no stay was granted, the punishment was executed and the increment was stopped for a period of two years. In the mean while, this Court has quashed the order of punishment, on 05.04.2016. However, the respondents have not re-fixed the salary, by awarding increments which were stopped, as per the punishment and not included the petitioner's name in the seniority list. In order to avail such a benefit, the petitioner has made a representation to the third respondent, on 10.10.2016. However, till date no order was passed. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned Special Government Pleader appearing for the respondents would submit that during the pendency of the writ petition, the petitioner was promoted as Nursing Superintendent Grade - II and she was posted at Government Hospital, Sathankulam, Tuticorin District. Insofar as the increment is concerned, this Court may issue a direction to the third respondent to settle the increment to the petitioner, if not paid.

4. Considering the facts and circumstances of the case, during the pendency of the writ petition, the petitioner was granted promotion as Nursing Superintendent Grade - II and she was posted at Government Hospital, Sathankulam, Tuticorin District. Therefore, this Court directs the third respondent to settle the benefits including the increment, within a period of twelve weeks from the date of receipt of a copy of this order, if not settled already.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Principal Secretary to Government,
Health and Family Welfare (L-2) Department,
Secretariat, Fort St.George,
Chenani-600 009.



2.The Director of Medical Education,
Office of the Director of Medical Education,
Kilpauk, Chennai-600 010.

3.The Director of Medical Services,
Teynampet, Chennai.

WEB COPY

+1 CC to M/s.SPL GP (SR-11865[F] dated 17/03/2021)

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-12035[F] dated
17/03/2021)

W.P. (MD) No.17344 of 2017
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KB(23.06.2021) 3P 6C