



W.P.(MD)No.22034 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2022**

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THE HON'BL MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.22034 of 2017
and
W.M.P.(MD)No.18332 of 2017

M.Ramakrishanan

... Petitioner

Vs.

1. The Principal Secretary to Government,
Health and Family Welfare (D2) Department,
Secretariate,
Chennai – 600 009.
2. The Director of Public Health and Preventive Medicine
D.M.S.Campus,
Teynampet, Chennai – 600 006.
3. The Deputy Director of Health Services,
North Beach Road,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records in pursuant to the impugned punishment order passed by the third respondent in his proceedings R.No.3385/A1/12-4, dated 07.06.2012 and the same was reduced by the second respondent in R.No.086027/DA/S3/2012-(10), dated 25.01.2013 and the same was confirmed by the first respondent in G.O.(D).No.24, Health and Family Welfare (D2) Department, dated 04.01.2016 and quash the same and consequently direct the respondents to promote the petitioner to the post of Block Health Supervisor/Non-Medical Supervisor on par with his juniors with all attendant and monetary benefits within the stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition is filed to quash the impugned order, dated 07.06.2012 and the same was reduced by the second respondent, dated 25.01.2013 and confirmed by the first respondent in G.O.(D)No.24, Health and Family Welfare (D2) Department, dated 04.01.2016 and consequently, direct the respondents to promote the petitioner to the post



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of Block Health Supervisor/Non-Medical Supervisor on par with his juniors with attendant and monetary benefits.

2. The brief facts of the case as stated in the affidavit is that the petitioner was appointed as Leprosy Inspector in the Health Department on 07.03.1988 and subsequently promoted as Health Inspector on 01.08.1997. The petitioner is now working as Health Inspector, Government Primary Health Centre, Pandaravilai and he was discharging his duties for the past 28 years. On 17.04.2012, the respondent issued a charge memo under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. The petitioner has not implicated any one of the male to undergo the Family Planning Surgery in the year 2011-2012. The petitioner has submitted a detailed explanation and categorically held that he had implicated one male Mr.Narayanan to undergo Family Planning Surgery under No Scalpel Vasectomy Scheme on 08.06.2012 in Tiruchendur Government Hospital. But without considering the petitioner's explanation, the third respondent imposed the punishment of stoppage of increment for one year without cumulative effect, vide



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proceedings, dated 07.06.2012. The petitioner has preferred an appeal and the same was modified as stoppage of increment for three months without cumulative effect, vide proceedings, dated 25.01.2013 and the petitioner had filed an appeal before the first respondent and the same was rejected on the ground that the Tamil Nadu Public Service Commission has replied that the punishment imposed on the petitioner is minor and the first respondent confirmed the orders of the second respondent and rejected the petitioner's appeal. Aggrieved over the same, the present writ petition has been filed.

3. The respondents have not filed any counter affidavit, but submitted before this Court that the punishment was imposed after considering the charges, wherein the petitioner has not achieved the target for the year 2010-2011, 2011-2012 and 2012-2013. On appeal the punishment was modified as stoppage of increment for three months without cumulative effect. Therefore, the respondents prayed to dismiss this writ petition.



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4. Heard Mr.M.Saravana Kumar, learned Counsel appearing for the petitioner and Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents.

5. On perusal of the records, it is seen that the charge was issued for not achieving the target for the years 2010-2011, 2011-2012 and 2012-2013 (upto 31.05.2013). However, the petitioner submitted that the petitioner was transferred from Pudukottai to Tuticorin on 20.02.2011 only and therefore the allegation for the year i.e. 2010-2011 is not maintainable. As far as the year 2011-2012 is concerned the petitioner submitted that the petitioner has carried out the surgery for one male Mr.Narayanan to undergo Family Planning Surgery under No Scalpel Vasectomy Scheme on 08.06.2012 and hence the allegation for the year 2011-2012 is incorrect. Therefore this Court is of the considered opinion that the basis of the charge itself is on the incorrect facts and hence the punishment imposed is liable to be quashed and the same is quashed. Consequently, the respondents are directed to grant monetary benefits and promotion to the petitioner. The said exercise shall be



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completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above said direction, this Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

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2. The Director of Public Health and Preventive Medicine
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S.SRIMATHY, J

jbr

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