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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.21245 of 2013

I.Renganayaki .. Petitioner

Versus

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

2. The Secretary,
   Tamilnadu Public Service Commission,
   Greams Road,
   Chennai - 600 006.

   presently at
   Frazer Bridge Road,
   V.O.C.Nagar,
   Park Town,
   Chennai - 600 003.

3. The Director of Medical Education,
   Kilpauk,
   Chennai - 600 010. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records

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relating to the impugned order of dismissal passed in Na.Ka.No.96431/C Ma P 2(1)/2008, dated 02.11.2010 on the file of the 3rd respondent and as confirmed by the 1st respondent in G.O. (Pathandu) No.1222, dated 22.11.2012, quash the same and consequently, direct the respondents herein to re-instate the petitioner into service with attendant benefits.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.T.K.Saravanan,
Government Advocate

ORDER

This Writ Petition is filed challenging the order of the third respondent, dated 02.11.2010, thereby, removing her from service and the order of the first respondent, dated 22.11.2012 confirming the said punishment on appeal.

2. The petitioner was working as a Staff Nurse under the respondents. While so, she applied for Extraordinary Leave for a period of one year and left abroad. However, thereafter, neither she returned back to the duty nor she was granted any Extraordinary Leave or extension or permission to stay abroad or join any other foreign employment. Under these circumstances, a charge memo was issued to her on 19.05.2009. She did not submit any

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explanation. Even an Enquiry Officer was appointed and repeated summons were issued for her appearance. Even though one such summon was received by the petitioner's son, she did not even appear before the Enquiry Officer. Accordingly, the charge framed was proved *ex parte*. Even the second show-cause notice issued to the petitioner was received by the petitioner's son, however, no explanation was given by the petitioner. Under these circumstances, the impugned order of punishment was passed.

3. Thereafter, the petitioner preferred an appeal before the first respondent. After considering the above facts and since the petitioner did not even respond to the summons issued by the Enquiry Officer, the Enquiry Officer upheld the punishment. In that view of the matter, I find no infirmity whatsoever in the order of punishment as well as in the order of the Appellate Authority.

4. Accordingly, finding no merits, this Writ Petition is dismissed. No costs.

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Index : yes
Speaking order
Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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