



WEB COPY



W.P.No.3343 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 3343 of 2018

and

W.M.P.Nos.4088, 4089 of 2018 and 21482 of 2019

K.Vijayalakshmi

... Petitioner

Versus

1.Director of Public Health and Preventive Medicine,
64/75, Main Road,
Chokkalingam Nagar,
Teynampet, Chennai-600 0086.

2.The Principal Secretary to Government,
Tamilnadu Health and family Welfare Department,
Secretariat, Chennai-600 009.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Certiorarified Mandamus to call for records of the impugned order R.No.8945/DA/S3/11 dated 07.12.2017 issued by the 1st respondent to the petitioner and quash the same and directing the 1st respondent to reinstate the petitioner into the service as Office Assistant, O/o.Deputy Director of Health Services, Villupuram forthwith as if the impugned punishment was not imposed.



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For Petitioner : Mr.Naveen Kumar Murthi
for M/S.S.Varsha

For Respondents : Mr.M.S.Premkumar
Government Advocate

ORDER

This Writ Petition has been filed to call for records of the impugned order in R.No.8945/DA/S3/11 dated 07.12.2017 issued by the 1st respondent to the petitioner and quash the same and directing the 1st respondent to reinstate the petitioner into the service as Office Assistant, O/o.Deputy Director of Health Services, Villupuram forthwith as if the impugned punishment was not imposed.

2.The case of the writ petitioner is that she got employment through registration with the Employment Exchange. After a long wait, she got appointed as an Office Assistant in the Office of the Deputy Director of Health Services, Villupuram on 16.06.2009 and joined duty on 22.06.2009. Her husband passed away in the year 1992 leaving the petitioner and her three children. The petitioner's family friend, one Mohan who was also employed in the Government Service was a well wisher of the petitioner's



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family and unfortunately, the 1st respondent issued a Memo.R.No.8945/DA/S3/11 dated 09.05.2016 raising charges against the petitioner that she has violated Rule 19 of Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1973 since she has entered into bigamous marriage with the said Mohan, when her spouse was alive. In respect of the said memo, the petitioner has given a detailed reply denying the serious charges levelled against her. However, the impugned order has been passed by the 1st respondent on 07.12.2017. The 1st respondent concurred with the enquiry officer's findings, without any application of the mind and removed the petitioner from service.

3. The 1st respondent has filed a counter based on the available materials. The enquiry went against the petitioner and there was no irregularity in the impugned order and therefore sought for dismissal of the writ petition.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.



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5. The learned counsel for the writ petitioner invited the attention of this Court to the order passed in W.P.No.14879 of 2016 dated 14.02.2023. The said writ petition has been filed by Mr.Mohan against whom allegations were levelled alongside the writ petitioner herein. The said writ petition was allowed holding that the disciplinary action initiated by the respondents against the petitioner therein were void and the said Mohan was entitled for reinstatement. It is on the very same set of allegations, charges were also levelled against the writ petitioner herein.

6. Thus, in view of the order passed in W.P.No.14879 of 2016 dated 14.02.2023, this writ petitioner is also entitled for reinstatement. Hence, the impugned order dated 07.12.2017 passed in R.No.8945/DA/S3/11 by the 1st respondent is quashed and the 1st respondent is directed to reinstate the writ petitioner into service as Office Assistant at O/o.Deputy Director of Health Services, Villupuram together with all service and monetary benefits. Considering the fact the petitioner is retiring shortly, the respondents shall take immediate steps to reinstate the writ petitioner so that she would retire with honour.



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7. Accordingly, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No cost.

06.06.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

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Note:Issue order copy on 07.06.2023

To

1.Director of Public Health and Preventive Medicine,
64/75, Main Road,
Chokkalingam Nagar,
Teynampet, Chennai-600 0086.

2.The Principal Secretary to Government,
Tamilnadu Health and family Welfare Department,
Secretariat, Chennai-600 009.



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P.B.BALAJI, J.,

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