



W.P.No.21277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.21277 of 2023

Chandran

... Petitioner

Vs

1. The Joint Director of Health Services,
The Nilgiris, Udhagamandalam.
2. The Chief Civil Surgeon,
Medical Officer, Government Hospital,
Gudalur, The Nilgiris.
3. The Chairman and Member of Committee,
Against Sexual Harassment
For Working Women's Government Hospital,
Gudalur, The Nilgiris.
4. The Chairperson of Ashwini Adivasi School,
of Nursing No.10/147, G2, G3 Kothervayal,
Gudalur, Tamil Nadu 643 212.

5. Nishitha B

... Respondents



W.P.No.21277 of 2023

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to the Impugned Order Ref No.3110/E3/2019 dated 13.08.2019 in so far as the petitioner herein is concerned to quash the same as illegal, arbitrary and devoid of merit and consequently directing the respondents herein to permit the petitioner to get reappointed as ward boy of the first respondent hospital without any hindrance.

For Petitioner : Mr.M.Velmurugan

For respondent : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the Impugned Order Ref No.3110/E3/2019 dated 13.08.2019 in so far as the petitioner herein is concerned as illegal, arbitrary and devoid of merit and consequently directing the respondents herein to permit the petitioner to get reappointed as ward boy of the first respondent hospital without any hindrance.



W.P.No.21277 of 2023

WEB COPY

2. The case of the writ petitioner is that petitioner worked as a ward boy from the year 2013 till 2019 in Government Hospital Gudalur Nilgiris. The petitioner on 29.07.2019 was rendering his services to the outpatient in the outpatient block. The fifth respondent, a nursing student, who was doing internship in the said Hospital was assisting the petitioner and she was talking on her phone in front of the patients. When the petitioner asked her to stop talking on the phone and pay attention to the patient, the fifth respondent acted arrogantly and disrespected the petitioner as being a mere ward boy and she filed false complaint against the petitioner. The second respondent after receiving the complaint, directed the third respondent to conduct enquiry and the third respondent has not conducted any enquiry and the petitioner has not been heard in this regard. Based on the false allegations, the petitioner was terminated by the Order of the first respondent dated 13.08.2019. Hence, the petitioner seeks to quash the impugned Order.



W.P.No.21277 of 2023

WEB COPY

3. I have perused entire materials. The petitioner is a daily wage worker. He has been terminated on 13.08.2019 on the basis of the report of the third respondent on the allegation of sexual harassment to a student who was pursuing nursing diploma and she has been deputed in the hospital for training. Doctor P.Sujitha, Assistant Surgeon along with nursing Superintendent and staff nurse on duty at Out Patient Department conducted enquiry and on the basis of the enquiry, the petitioner has been terminated. The Order of termination has been issued to the petitioner on 13.08.2019 and the petitioner has filed this Writ Petition in the year 2023 and there is no reason why such a delay has happened. Be that as it may.

Considering the fact that the petitioner is a daily wage ward boy and he has been terminated on the ground of sexual harassment, this Court is of the view that after four years, the petitioner cannot challenge the impugned Order. Hence, the Writ Petition not only suffer from merits but also latches and delay.



W.P.No.21277 of 2023

WEB COPY

4. Accordingly, this Writ Petition is dismissed. No costs.

19.07.2023

Index:Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The Joint Director of Health Services,
The Nilgiris, Udhagamandalam.
2. The Chief Civil Surgeon,
Medical Officer, Government Hospital,
Gudalur, The Nilgiris.
3. The Chairman and Member of Committee,
Against Sexual Harassment
For Working Women's Government Hospital,
Gudalur, The Nilgiris.
4. The Chairperson of Ashwini Adivasi School,
of Nursing No.10/147, G2, G3 Kothervayal,
Gudalur, Tamil Nadu 643 212.



WEB COPY



W.P.No.21277 of 2023

N.SATHISH KUMAR, J.

VTC

WP.No.21277 of 2023

19.07.2023