



W.P.No.34822 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34822 of 2022 and W.M.P.No.34247 of 2022

V.Ammani Bai

... Petitioner

Vs.

1. The Director,
Govt. Public Health &
Preventive Medical Department,
Chennai – 600 006.

2. The Deputy Director,
Department of Public Health,
Thanjavur.

3. The Block Medical Officer,
Government Primary Health Centre,
Melattur, Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings Na.Ka.No.3648648/Aa Su Ni-7/A-3/2022-1, dated 10.12.2022 passed by the first respondent, the Director, Government Public Health & Preventive Medical Department, Chennai 600 006 and quash the same as illegal against law.



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For Petitioner : Mr.K.V.Ananthakrishnan

For Respondents : Mr.Stalin Abimanyu,
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Challenging the impugned proceedings Na.Ka.No.3648648/Aa Su Ni-7/A-3/2022-1, dated 10.12.2022 issued by the first respondent, the Director, Government Public Health & Preventive Medical Department, Chennai 600 006, this writ petition has been filed.

3.The petitioner has challenged the impugned show cause notice dated 10.12.2022 apprehending that it is a final order. The petitioner claims that as per the impugned show cause notice, she will be reverted back as a temporary worker on consolidated basis. Admittedly, as seen from the impugned proceedings, it is only a show cause notice. The petitioner has been called upon to give her explanation with regard to the contentions of



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the respondents. The petitioner has already given a reply to the impugned show cause notice and she had also participated in the enquiry proceedings.

4.Learned counsel for the petitioner would submit that the petitioner has not submitted a detailed reply and therefore, the petitioner must be permitted to give a detailed reply, objecting to the proposal made by the respondents to revert the petitioner back to her original position as a temporary worker.

5.Heard Mr.K.V.Ananthakrishnan, learned counsel for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

6.This Court cannot interfere with a show cause notice at this stage. The only limited relief that can be granted to the petitioner is to permit her to raise all objections available to her under law with regard to the impugned show cause notice to the respondents and thereafter, the respondents shall be directed to consider the same, on merits and in accordance with law and



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pass final orders with regard to their proposal. The petitioner claims that she has been in service for the past 18 years. After giving due consideration to the said fact, this Court is of the considered opinion that the service of the petitioner should not be disturbed by the respondents till final orders are passed by them pursuant to the impugned show cause notice.

7.For the foregoing reasons, this writ petition is disposed of by directing the petitioner to submit a reply to the impugned show cause notice dated 10.12.2022 stating all her objections with regard to the respondents' proposal seeking to revert her back to her original position, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the said reply/objection, the first respondent shall pass final orders, on merits and in accordance with law, after giving due consideration to the objections raised by the petitioner, within a period of eight weeks thereafter. Till final orders are passed by the first respondent, the service of the



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petitioner shall not be disturbed by the respondents. Consequently, W.M.P.

No.34247 of 2022 stands closed. No costs.

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Index:Yes/No

Speaking/Non-speaking order

To

1. The Director,
Govt. Public Health &
Preventive Medical Department,
Chennai – 600 006.
2. The Deputy Director,
Department of Public Health,
Thanjavur.
3. The Block Medical Officer,
Government Primary Health Centre,
Melattur, Thanjavur District.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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ABDUL QUDDHOSE, J

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