



W.P(MD)No.17735 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.17735 of 2023

R.V.Ramganesh

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Director,
The Directorate of Medical Education,
Kilpauk,
Chennai - 600 010.

2.The Dean

Madurai Rajaji Government Hospital,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to dispose the petitioner's Appeal dated 07.11.2022 and cancel the



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punishment order of removal from service passed by the second respondent dated 31.10.2022 in Na.Ka.No.03155/Ni4/3/2022.

For Petitioner : Mr.T.Thirumurugan

For Respondents : -----

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the first respondent to dispose the petitioner's Appeal dated 07.11.2022 and cancel the punishment order of removal from service passed by the second respondent dated 31.10.2022 in Na.Ka.No.03155/Ni4/3/2022, in the interest of justice.

2. The learned counsel for the petitioner submits that the petitioner was appointed as an Operation Theatre Assistant with Government Medical College, Theni, on temporary basis and his service was regularized from 14.09.2006 by the order of the second respondent dated 13.06.2008. Subsequently, he was transferred to the second respondent hospital by proceedings of the first respondent, dated



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20.09.2008. On 11.03.2020 the second respondent has passed an order appointing the petitioner as a Sergeant with Government Medical College Hospital, Madurai, by way of deputation. Meanwhile, the second respondent issued charge-memo under Section 17(b) of Tamil Nadu Government Servant (Discipline and Appeal) Rules dated 02.06.2022 alleging that the petitioner had received amount from four persons namely, Kavitha, Sudha, Vellaipandi and Revathi and sought explanation from the petitioner. On 08.06.2022, the petitioner submitted a detailed explanation for the charges levelled against him. Basing on the report of the Enquiry Officer, dated 14.07.2022, the second respondent issued proceedings, dated 31.10.2022 removing the petitioner from the service. Aggrieved by the same, the petitioner preferred an appeal before the first respondent on 07.11.2022. The grievance of the petitioner is that the said appeal is not disposed of till date.

3. Heard the learned counsel for the petitioner and perused the materials available on record.



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4. Considering the fact that the relief sought in the Writ Petition is with regard to dispose of the appeal pending with the first respondent from 07.11.2022 only, in the considered opinion of this Court, it is appropriate to dispose of the Writ Petition, at admission stage without going into the merits of the case, with a direction to the first respondent to dispose of the appeal within the stipulated time to meet the interest of justice.

5. Accordingly, this Writ Petition is disposed of, directing the first respondent to dispose of the appeal filed by the petitioner on 07.11.2022 within a period of two months from the date of receipt of a copy of this order.

6. No costs.

24.07.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

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To

1.The Director,
The Directorate of Medical Education,
Kilpauk,
Chennai - 600 010.

2.The Dean
Madurai Rajaji Government Hospital,
Madurai.



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BATTU DEVANAND, J.

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