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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.22153 of 2024

P.Jayammal

... Petitioner

Vs.

1.The Secretary to Government,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 104.

2.The Director,
Directorate of Medical Sciences,
Kilpauk, Chennai – 600 010.

3.The Dean,
Government Mohan Kumaramangalam Medical College Hospital,
Salem,
Salem District – 600 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 06.03.2024 in the light of the 3rd respondent's proceedings in Na.Ka. No.909/Ni9/2023, dated 27.03.2023.



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For Petitioner : Mr.B.Kannan

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 06.03.2024, wherein, the petitioner is seeking for payment of gratuity and other terminal benefits of her husband.

2.Heard Mr.B.Kannan, learned counsel appearing on behalf of the petitioner and Mr.M.Bindran, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that her husband joined the Government Medical College Hospital, Salem as a Sanitary Worker in the year 1993. He was regularised in the year 2007. A criminal case came to be registered in Crime



No.1675 of 2012 and the husband of the petitioner was arrayed as an accused and he was arrested and remanded to judicial custody. In view of the same, the petitioner's husband was suspended from service. During the period of suspension, subsistence allowance was sanctioned and 50% of the salary was paid. Thereafter, the husband of the petitioner made a representation seeking for enhancement of subsistence allowance and the 3rd respondent through proceedings dated 14.02.20214, enhanced the subsistence allowance to 75% of the salary.

4.The husband of the petitioner also filed a writ petition before this Court in W.P.No.10577 of 2014 to permit him to join the service. Based on the order passed by this Court, the 3rd respondent also permitted the petitioner's husband to join the services.

5.Insofar as the criminal case is concerned, the petitioner's husband filed a quash petition before this Court in CrI.O.P.No.7920 of 2022 and the criminal proceedings were quashed by this Court by an order dated 21.07.2022.



6.Pursuant to the above development, the petitioner's husband made several representations to the 3rd respondent requesting to pay the pending increments and also to afford him with all the service benefits like promotion. Unfortunately, even before any decision can be taken, he died on 19.01.2023.

7.After the demise of the petitioner's husband, the petitioner started making representations to the 3rd respondent and was seeking for payment of gratuity, arrears of terminal benefits and also arrears of subsistence allowance payable to the petitioner's husband. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

8.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 3rd respondent to deal with the representation made by the petitioner on 06.03.2024 and take a decision, within a period of six weeks from the date of receipt of copy of this order.



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9. The petitioner is directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order.

10. This writ petition is disposed of with the above directions. No Costs.

06.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
SSR

To

1. The Secretary to Government,
Department of Health and Family Welfare,
Government of Tamil Nadu,
Fort St. George, Chennai – 600 104.

2. The Director,
Directorate of Medical Sciences,
Kilpauk, Chennai – 600 010.



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N. ANAND VENKATESH, J.

ssr

3.The Dean,
Government Mohan Kumaramangalam Medical College Hospital,
Salem,
Salem District – 600 001.

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