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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25065 of 2024

D.Geetha

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Health and Family Welfare department,
Secretariat, Chennai 600 009
2. The Director of Medical Education,
Chennai 600010.
3. The Superintendent,
Government Hospital of Thoracic Medicine
Tambaram Sanatorium, Chennai 600 047
4. The Dean,
Government Medical College and ESI Hospital,
Coimbatore – 641 015

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents Nos.1 to 4 to regularize the period of absence in the light of the 2nd respondent's necessary



unauthorized leave regularization proposal in respect of the petitioner which was sent to the 1st respondent the Government of Tamil Nadu on 18.08.2016 as disclosed by the office of the 2nd respondent in L.Dis.No.61919/N4/2016 dated 31.08.2016 and fully release, pay and settle arrears in salary and all other retirement benefits.

For Petitioner : Mr.Sushil Rajkumar J

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to regularize the period of absence of the petitioner, which was forwarded to the 1st respondent on 18.08.2016 by the 2nd respondent and to settle all the terminal benefits to the petitioner within the time frame fixed by this Court.

2. Heard Mr.Sushil Rajkumar, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader for respondents.



3. The petitioner was working as a staff nurse in Government General Hospital (GGH), Chennai. A charge memo came to be issued against her in the year 1989 under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules. After a prolonged litigation, the 2nd respondent ultimately passed a final order dated 26.03.2023, imposing the punishment of deduction of Rs.1,000/- from the pension amount of the petitioner for a period of one year.

4. The petitioner was agreeable for this punishment. Thereafter, she was expecting for settlement of the retirement benefits after the regularization of the period during which she was proceeded against for unauthorized absence. According to the petitioner, the regularization proposal was already sent to the 1st respondent on 18.08.2016 by the 2nd respondent as is evident from the letter dated 31.08.2016. Therefore, unless and otherwise this period is regularized, the terminal benefits of the petitioner will not be settled and the same is being held up for one reason or the other. It is under these circumstances, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the petitioner has now



accepted the final order of punishment issued by the 2nd respondent through order dated 26.03.2024. Therefore, the terminal benefits of the petitioner will have to be necessarily released. In the light of the order passed by the 2nd respondent, the period of unauthorized absence will have to be regularised and such a proposal was already sent to the 1st respondent by the 2nd respondent through letter dated 31.08.2016 and no final orders have been passed in this regard. Till the 1st respondent passes a final order, the petitioner will not be able to get terminal benefits.

5. In view of the above, there shall be a direction to the petitioner to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order. A copy of this representation shall be marked to the 2nd respondent. The 1st respondent on receipt of the representation shall co-ordinate with the 2nd respondent and deal with the regularization of the unauthorized absence period of the petitioner and pass an order within a period of six weeks. On such order being passed by the 1st respondent, the terminal benefits of the petitioner shall be released within a period of eight weeks thereafter. It goes without saying that the deduction to be made from the



monthly pension for a period of twelve (12) months to the tune of Rs.1,000/-

shall be enforced by virtue of the order passed by the 2nd respondent dated 26.03.2024.

6. This writ petition is disposed of with the above directions. No costs.

02.09.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
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To

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
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Secretariat, Chennai 600 009

2. The Director of Medical Education,
Chennai 600010.

3. The Superintendent,
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