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W.P.No.29013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.29013 of 2024

K.Rajamani

.. Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary,
Medical and Rural Health Services,
Fort. St.George, Chennai.

2.The Director of Medical and Rural Health Services,
No.359, DMS Complex,
361, Annasalai, Chennai – 600 006.

3.The Joint Director of Health Services,
O/o. the Joint director health services,
Namakkal.

4.Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in Ref.No.3033/E2/2024 dated 21.06.2024 and quash the same and further direct the respondents to re-instate the petitioner as per his representation dated 28.08.2024.



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For petitioner : Mr.M.Rajasekar
For RR 1 to 3 : Mr.M.Bindran
Additional Government Pleader
For R4 : Mr.K.Tamilvendan
Government Advocate

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 21.06.2024, whereby the petitioner was placed under suspension and for a consequential direction to the respondents to reinstate the petitioner into service considering the representation made by him on 28.08.2024.

2.Heard the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 3 and the learned Government Advocate for the 4th respondent.

3.The case of the petitioner is that he was appointed as Pharmacist at Nilakottai Taluk Government Hospital, Dindugul District. Subsequently, he was transferred and he was working at Komarapalayam Government Hospital. During that time, the petitioner was also directed to work for two days at Government Hospital at Pallekappalayam.



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4.The further case of the petitioner is that his younger brother who has completed Diploma in Pharmacy was holding license and he was running a pharmacy slop. Based on some anonymous complaint, an FIR came to be registered in Crime No.246 of 2024 and based on the same, the incriminating materials were seized from the shop. The case was projected as if the petitioner was engaged in running the pharmacy and pursuant to the same, the petitioner was placed under suspension by the 3rd respondent through proceedings dated 21.06.2024.

5.The petitioner gave a representation / explanation on 28.08.2024 by taking a stand that he had nothing to do with the pharmacy that was run by his brother and that a false case has been foisted against him. Since, the same was not considered, the present writ petition has been filed before this Court.

6.In the considered view of this Court, there is no need to interfere with the order of suspension passed by the 3rd respondent and it will suffice if a direction is given to the 3rd respondent to deal with the representation made by the petitioner on 28.08.2024 on its own merits



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and in accordance with law and a final decision shall be taken within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.The learned counsel for the petitioner submitted that till date the subsistence allowance has not been paid to the petitioner. There shall be a direction to the 3rd respondent to immediately pay the arrears of subsistence allowance which the petitioner is entitled to within a period of four (4) weeks from the date of receipt of a copy of this order and the subsistence allowance shall be continued to be paid till the petitioner is kept under suspension.

8.Accordingly, this Writ Petition is disposed of with the above directions. No costs.

03.10.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

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