



W.P(MD)No.1748 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.1748 of 2022

S.Delphine

... Petitioner

Vs.

1.The Principal Secretary to the Government
of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.

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

3.The Dean,
Kanyakumari Medical College Hospital,
Nagercoil,
Kanyakumari-629 201.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1, 2 and 3 to consider the petitioner's representation, dated 29.12.2021 within the time frame stipulated by this Court to facilitate payment of 'Encashment of Earned Leave', General Provident Fund, Special Provident Fund, FPF and any



W.P(MD)No.1748 of 2022

other benefits for which subscriptions were recovered from the petitioner during the course of the petitioner's service.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Senior Assistant Surgeon of Kanyakumari Medical College Hospital, Kanyakumari, who was dismissed from service by G.O(D)No.1171 [Health and Family Welfare (I-2) Department], dated 31.10.2011 seeking a Mandamus to the respondents for disbursal of her Encashment of Earned Leave, General Provident Fund, Special Provident Fund, Family Provident Fund and other benefits for which subscriptions have been recovered during her employment period.

2. To the said effect, seeking the said benefits, the petitioner has sent a representation on 29.12.2021 to the first respondent herein. Since the said representation has not been considered, the present writ petition has been filed.



W.P(MD)No.1748 of 2022

WEB COPY

3. The learned Additional Government Pleader appearing for the respondents herein had contended that since the petitioner has been dismissed from service, she is not entitled to receive the pension and other benefits.

4. In view of the above contentions, this Court directs the first respondent herein to consider the representation of the petitioner, dated 29.12.2021 and pass orders relating to the eligible benefits of the petitioner. The exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. There shall be no order as to costs.

06.08.2024

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



W.P(MD)No.1748 of 2022

WEB COPY

- To
- 1.The Principal Secretary to the Government
of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai-600 009.
 - 2.The Director,
Directorate of Medical Education,
Kilpauk, Chennai-600 010.
 - 3.The Dean,
Kanyakumari Medical College Hospital,
Nagercoil,
Kanyakumari-629 201.



WEB COPY



W.P(MD)No.1748 of 2022

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.1748 of 2022

06.08.2024