



W.P.(MD) No.2265 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.07.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

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A.M.Sundaravel

... Petitioner

-vs-

- 1.The Chief Secretary
Tamilnadu Government
Chennai-9
- 2.The Principal Secretary
Health Department
Government of Tamilnadu
Chennai-9
- 3.The Director
Medicine and Urban Welfare Works
Rajivgandhi Government General Hospital
Chennai-6
- 4.The District Collector
Tirunelveli District
Tirunelveli
- 5.The Superintendent of Police
Tirunelveli District
Tirunelveli



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6.The Inspector of Police
Tirunelveli Junction Police Station
Tirunelveli

7.The Secretary
High Court Legal Services Authority
Madurai

8.The Member Secretary
District Legal Services Authority
Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the fourth respondent to calculate the salary of deceased Nishamary upto 58 years, who has worked in the Eye Hospital at Tirunelveli Junction and to collect the amount from the said Eye Hospital Management and to handover to her mother within a time stipulated by this Court and to direct the first respondent to take senses of nurses working in various hospitals in Tamil Nadu and made arrangements to give salary to nurses working in the private hospitals comparing with the nurses working in the Government Hospitals.

[R7 & R8 are *suo motu* impleaded vide Court order dated 01.02.2019]

For Petitioner : Mr.A.M.Sundaravel
Party-in-Person

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.S.Ravi
Additional Public Prosecutor for R5 & R6



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ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

This writ petition has been filed in the guise of *pro bono publico* seeking a direction to the fourth respondent to calculate the salary of the deceased Nishamary upto 58 years, who had worked in the Eye Hospital at Tirunelveli Junction and to handover it to her mother within a time stipulated by this Court and also to direct the first respondent to take census of nurses working in various hospitals in Tamil Nadu and made arrangements to give salary to nurses working in the private hospitals comparing with the nurses working in the Government Hospitals.

2. Though the petitioner, who is a party-in-person, seeks for several reliefs, his primary grievance is that one Nisha Mary was working in a Private Eye Hospital, Tirunelveli, and the Management of the Hospital had not paid monthly salary to her, due to which, she committed suicide. Therefore, the petitioner seeks for a direction to the District Administration to calculate the salary of the deceased upto her 58 years and pay it to her mother. At this juncture, it is to be noted that there is no material to show that neither the



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family members of the deceased nor her relatives have filed any petition before the Court of law seeking appropriate reliefs. On the other hand, the petitioner, who is a third party, has filed this petition under the guise of a public interest litigation, which is not maintainable in the eye of law.

3. That apart, on a careful perusal of the materials available record, we find no iota of material to show that the petitioner has filed this writ petition under the guise of public interest litigation as per the parameters laid down by the Honourable Supreme Court in the case of **Guruvayoor Devaswom Managing Committee vs. C.K.Rajan**, reported in **(2003) 7 SCC 546** and the subsequent decisions of the Honourable Supreme Court in the case of **Ashok Kumar Pandey vs. State of West Bengal and others**, reported in **(2004) 3 SCC 349**, **Neetu vs. State of Punjab**, reported in **(2007) 1 SCC 614** and **State of M.P. vs. Narmada Bachao Andolan**, reported in **(2011) 7 SCC 639**. In such circumstances, we are not inclined to entertain the present writ petition.

4. Accordingly, the writ petition is dismissed. No costs.

[D.K.K., A.C.J.] [R.V., J.]

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NCC : Yes / No



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Index : Yes / No

Internet : Yes / No

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- 5.The Superintendent of Police,
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- 6.The Inspector of Police,
Tirunelveli Junction Police Station,
Tirunelveli.
- 7.The Registrar Judicial,
Madurai Bench of Madras High Court,
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