



W.P.No.16660 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2025

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THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Writ Petition No.16660 of 2012

and

M.P.No.2 of 2012

Dr.I.Meenakshi,
D/o V.Indiran,
No.38, Kummaran Gardens,
Reddiyur, Salem-4.

.. Petitioner

/versus/

1.The Principal Secretary to the Government,
Health and Family Welfare Department,
Secretariat, Chennai 600 009.

2.The Director of Public Health and Preventive Medicine,
Chennai-600 006.

3.The Tamil Nadu Public Service Commission,
Rep.by its Secretary, No.1, Greams Road,
Chennai 600 006.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to; (i) impugned order passed by the Appellate Authority viz., the 1st respondent in G.O.(D)No.792, Health and Family Welfare (D-2), Department, dated 05.07.2011; (ii)impugned views of the 3rd respondent in



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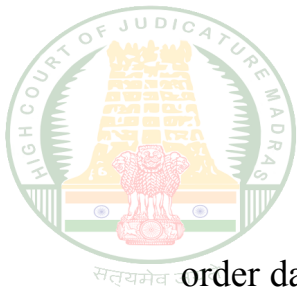
letter No.6709/DCO-D1/10-1, dated 10.06.2011; and (iii) impugned order passed by the disciplinary authority viz., the 2nd respondent in R.No.67835/PHC3/A4/2002, dated 26.11.2009 and quash the same consequentially direct the respondents 1 and 2 to give promotion to the petitioner with effect from 04.02.2011.

For Petitioner :Mr.R.Balakrishnan

For Respondents :Mr.K.Tippusulthan, GA for R1 and R2
Mr.R.Bharanidharan for R3

ORDER

The writ petitioner, while working as a Medical Officer, Government Primary Health Centre, Keeripatti, Salem District, was found absent on 24.02.2002, during a surprise Inspection conducted by the Additional Director of Medical and Rural Health Service (PHCs), Chennai. Based on the Inspection Report, a charge under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, was framed against the writ petitioner and a departmental enquiry was conducted. The charge having been proved, the 2nd respondent afforded the petitioner an opportunity to submit a representation about the proposed punishment for which she duly replied. After taking into consideration, the punishment of stoppage of increment for a period of one year with cumulative effect was imposed by an



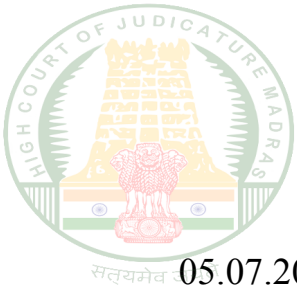
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order dated 26.11.2009.

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2. Aggrieved by the above said punishment, the writ petitioner had preferred an appeal to the first respondent the Principal Secretary to the Government, Health and Family Welfare Department, Secretariat, Chennai. The Appellate Authority, after considering the representation and the grounds of appeal, modified the punishment to stoppage of increment for a period of one year without cumulative effect. This order was passed vide proceedings dated 26.11.2009 and the same was communicated to the writ petitioner. Subsequently, the Government order, in G.O.(D)No.792, Health and Family Welfare (D-2)Department, Dated 05.07.2011, intimated the modification of the punishment.

3. Challenging the aforesaid order of modified punishment, the writ petition has been filed seeking a Writ of Certiorari and Mandamus on the ground that the departmental proceeding initiated for the alleged misconduct of absence from duty without leave on 24.02.2002 culminated in the imposition of punishment of stoppage of increment for a period of one year without cumulative effect vide impugned Government Order dated



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05.07.2011. It is contended that the said order was issued nearly 9 years after the alleged misconduct and such an inordinate delay per se has caused grave prejudice to the petitioner.

4. Apart from the irrationality in the punishment imposed, it is further submitted that the day on which the alleged unauthorised absence fell on was a Sunday and being a medical officer the writ petitioner was entitled to the account for her irregular absence, which was not taken into consideration while issuing the charge memo. It is also contended by the writ petitioner that due to the inordinate delay in completing the disciplinary proceedings, her declaration/promotion was delayed for nearly 10 years, which has had a cascading effect on her career including an opportunity to secure a better place of service.

5. A detailed counter filed by the respondents 1 and 2 stating that as a medical officer, in the Government Primary Health Centre, the writ petitioner was supposed to be on duty on the day, when the inspection was conducted. However, she was not present on duty and had not obtained leave of absence. Hence, the charge memo was issued proposing imposition of a



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major penalty and a proper enquiry was conducted. For the delinquency, stoppage of increment for a period of one year with cumulative effect was initially imposed. Subsequently, on her appeal, it was modified to without cumulative effect, which is a minor penalty and she has no consequential effect, either on her service or on her pensionary benefits. The allegations made in the writ petition that her prospect of declaration/promotion got delayed and that her right to choose the place of duty got affected, are highly preposterous and cannot be challenged by way of Certiorarified Mandamus. This Court on considering the nature of the charge and the punishment imposed, found that the punishment is neither disproportionate nor it affects any service rights of the petitioner.

6. Admittedly, the writ petitioner was not present for duty on the date of inspection. Her reasons for absence were not satisfactory and hence, the disciplinary proceedings were initiated. The minor punishment for stoppage of increment for a period of one year without cumulative effect was imposed. No doubt, by the time, the appellate authority passed the order, nearly nine years had lapsed, however, the said delay cannot be a ground to interfere with the punishment which is proportionate to the misconduct.



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7. For the said reasons, this Court holds that the writ petition seeking the issuing of Certiorarified Mandamus, challenging the validity of the modified punishment imposed on the petitioner, is devoid of merits and the same is dismissed. Accordingly, **this Writ Petition is dismissed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.**

19.09.2025

Index:yes/no

Internet:yes

Speaking order/non speaking order

Neutral citation:yes/no

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