



W.P.No.33371 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.04.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.33371 of 2023

V.Arulkumar

...Petitioner

Vs.

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009
2. The Director of Medical Education,
Periar EVR High Road,
Kilpauk, Chennai – 600 010
3. The District Registrar,
Chennai North
Registration Department,
Kuralagam 1st Floor,
Chennai – 108
4. Tamilnadu Government Nurses Association,
Registration No.716/1961
rep. By its State Secretary
Tmt. Valarmathi
Government Raja Mirasudar
Medical College Hospital,
Thanjavur – 613 001

...Respondents



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Prayer:

Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 16.08.2023 and to take appropriate action against the 5th and 6th respondents in having collected unauthorized money and misappropriating the same and consequently direct the 4th respondent to refund the special subscription collected with interest to the members of the Association.

For Petitioner : Mr.R.Thomas

For Respondents : Mr.K.Tippusultan for R1 to R4
Government Advocate
Mr.S.S.Rajesh for R5 & R6

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 16.08.2023 and to take appropriate action against the 5th and 6th respondents in having collected unauthorized money and misappropriating the same and consequently direct the 4th respondent to refund the special subscription collected with interest to the members of the Association.

2. According to the petitioner, he is the member of the Tamilnadu Government Nurses Association. The 5th and 6th respondents, who are the Secretary and Treasurer of the said association collected money in the name of



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special subscription at the rate of Rs.2,000/- from each of the members of the association in the year 2018 and the members strength of the association is about 50,000 throughout the State. The said money was proposed to be utilized for the revision of scale of pay of staff nurses. Though both of them collected about Rs.10 Crores of money the details of the amount collected by them has not been reflected in the accounts of the Association and the same have not been disclosed to anybody. Further, the respondents 5 and 6 purchased movable and immovable assets in their names disproportionate to their known sources of income. Also, a complaint was furnished to the Chief Minister's Special Cell with regard to the same and the said complaint was forwarded to the concerned authorities for appropriate action, no tangible action was taken against the officials concerned by the 2nd respondent. Further, another representation dated 16.08.2023 was sent to the 3rd respondent, however, no action has been taken against the representations by the concerned authorities, hence this petition.

3. The learned Government Advocate appearing for the respondents would submit that as per the directions of the Director of Medical Education and Research vide letter No.116810/N3/2024 dated 22.03.2024, three persons, viz., K.Santharaman, Additional Director of Medical Education and Research, S.Banu, Additional Director of Medical Education and Research and S.Rajamani, Joint



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Director of Medical Education (Nursing) were appointed as enquiry officers.

Accordingly, the petitioner was asked to appear for domestic enquiry on 06.03.2024. Since the petitioner had not appeared, again vide proceedings dated 08.03.2024, the petitioner was directed to appear on 13.03.2024 and accordingly, the petitioner appeared, various questions were raised and they have also held an enquiry and the respondents 5 and 6 have stated that the amounts so collected were utilised and the same has been shown in the accounts. Further, the enquiry officers have held that there is no sufficient evidence to prove the charges levelled against the petitioner, thereby pleaded to dismiss the petition.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. It is the contention of the petitioner that the respondents 5 and 6, collected Rs.2,000/- in the year 2018 from each of the members of the association throughout the state, numbering 50,000 and the said collected amount was proposed for the revision of the scale of pay of staff nurses and consequential promotion posts and also to conduct nurses day function. Though the respondents 5 and 6 collected Rs.10 crores, the details of the amount collected by them are not disclosed to anybody. The authorities appointed



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K.Santharaman, Additional Director of Medical Education and Research, S.Banu, Additional Director of Medical Education and Research and S.Rajamani, Joint Director of Medical Education (Nursing) as enquiry officers. Upon careful verification of the entire documents, the authorities found that there is no evidence to prove the charges leveled against the respondents 5 and 6.

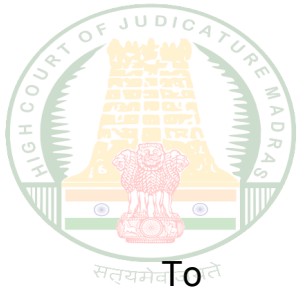
6. On going through the documents placed on record, especially the enquiry report dated 25.03.2024, it is seen that the enquiry officers did not find any evidence to prove the allegations mentioned in the complaint as against the respondents 5 and 6 and hence rejected the complaint made by the petitioner. It is also seen that the said copy of the enquiry report has not been furnished to the petitioner, therefore, this Court hereby directs the 1st respondent to issue a copy of the enquiry report dated 25.03.2024 to the petitioner through Registered Post with Acknowledgment Due. The petitioner shall receive the same and after taking note of the points mentioned in the enquiry report, the petitioner is at liberty to approach the competent authority for initiating action in the manner known to law.

In the result, the Writ Petition is disposed of. No costs.

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Index : Yes / No; Internet : Yes / No
Speaking Order / Non Speaking Order

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To

WEB COPY

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V.BHAVANI SUBBAROYAN, J.

ssd

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