



W.P.(MD)No.971 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.971 of 2025

and WMP(MD)Nos.609 and 611 of 2025

Dr.AL.Meenakshi Sundaram

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare (11) Department,
Secretariat, Fort St.George,
Chennai 600 009.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned Government Order in G.O.(D).No.967 of the Health and Family Welfare (11) Department, dated 31.07.2023 and consequential G.O.(D)No.1107 of the Health and Family Welfare (1-2) Department dated 31.08.2023 issued by the respondent and to quash the same and further direct the respondent to allow the petitioner to retire and to disburse the retirement benefits together with all other monetary benefits to the petitioner within the time as may be stipulated by this Court.

For Petitioner
For R1

: Mr.S.Venkatesh
: Mr.M.Ajmal Khan
Additional Advocate General
Assisted by Mr.P.Subbaraj
Special Government Pleader



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ORDER

WEB COPY This Writ Petition has been filed to quash the impugned Government Order in G.O.(D).No.967 of the Health and Family Welfare (11) Department, dated 31.07.2023 and consequential G.O.(D)No.1107 of the Health and Family Welfare (1-2) Department dated 31.08.2023 issued by the respondent and for consequential direction to the respondent to allow the petitioner to retire and to disburse the retirement benefits together with all other monetary benefits to the petitioner within a stipulated time.

2. Heard the learned counsel for the petitioner and Mr.Ajmal Khan, learned Additional Advocate General assisted by Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondent on record and perused the materials available on record.

3. The case of the petitioner is that while he was working as the Dean, Government Medical College, Theni, he was kept under suspension vide Government Order in G.O.(D).No.967 of the Health and Family Welfare (11)



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Department, dated 31.07.2023 alleging that based on the visual evidence and

the report of the Collector, there is every room to suspect that the petitioner has received illegal gratification. On reaching the age of superannuation on 31.08.2023, the petitioner was not permitted to retire from service vide G.O(D)No.1107 of the Health and Family Welfare (1-2) Department dated 31.08.2023. Aggrieved by the said orders, the present writ petition is filed.

4. Basing on the averments made in the counter affidavit filed by the respondent, the learned Additional Advocate General would submit that considering the materials available on record, the petitioner is kept under suspension and he is not allowed to retire from the date of attaining superannuation. Now, the enquiry is pending for receipt of the report from the Forensic Laboratory. Immediately on receipt of the report of the Forensic Laboratory, the respondent will proceed with the enquiry and conclude the enquiry process as expeditiously as possible.

5. Though the respective counsels on either side have raised several



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grounds to substantiate their case, this Court is not inclined to go into further

merits of the case as admittedly the enquiry initiated against the petitioner is

still pending. But, at the same time, this Court is not inclined to accept the

request of the respondent to grant eight months time to conclude the enquiry.

The respondent sought eight months time to get a report from the Forensic

Laboratory. The said reason is unreasonable. The incident happened prior to

July 2023. As such, by this time, the respondent ought to have got a report from

the Forensic Laboratory, which is under the control of the State Government

itself. Admittedly, from the date of the alleged incident, now 20 months have

lapsed. But there is no progress in the enquiry initiated against the petitioner.

6. Under these circumstances, this Court cannot brush aside the contention of the learned counsel for the petitioner that due to the inaction of the respondent in concluding the enquiry for twenty months, the petitioner is suffering a lot as he is not permitted to retire from service and to get all the retirement benefits.

7. Considering all these aspects, in our considered view, it is appropriate and desirable to dispose of the writ petition with a direction to the respondent to



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conclude the disciplinary proceedings initiated against the petitioner within a

stipulated time.

8. Accordingly, the respondent is directed to conclude the disciplinary proceedings initiated against the petitioner within a period of four months from the date of receipt of a copy of this order. Considering the fact that enquiry is pending for the last 20 months, it is made clear that no further extension of time will be granted for conclusion of enquiry.

9. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

19.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Health and Family Welfare (11) Department,
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BATTU DEVANAND, J.

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