

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34112 of 2016

and

W.M.P.Nos.29439, 29440 & 38455 of 2016
and 21083 & 37918 of 2017

S.Muthumalai Rani

... Petitioner

Vs.

- 1.The Secretary,
Department of Health and Family Welfare,
Secretariat,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Coimbatore District,
Collectorate Building,
Coimbatore – 641 018.
- 3.The Principal Accountant General (A & E),
O/o. The Accountant General (A & E) Tamil Nadu,
361, Anna Salai,
Teynampet,
Chennai - 600 018.

4. Director of Pension,
259, Anna Salai, 4th Block, 3rd Floor,
DMS Building, Teynampet,
Chennai – 600 006.

5. The Dean,
Coimbatore Medical College Hospital,
Coimbatore – 641 018.

6. Director of Medical Education,
Directorate of Medical Education,
No.162, EVR Periyar Salai,
Kilpauk, Chennai – 600 010.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 5th respondent in Na.Ka.No.1338/Ni 1/2015 dated 12.09.2016 and quash the same and to direct the 5th respondent to release the retirement benefits such as Gratuity, Special Provident Fund and Earn Leave Salary to the petitioner with 24% interest till the date of disbursement.

For Petitioner : Mr.T.Sudhan Raj

For R1, R4 to R6 : Mr.Stalin Abhimanyu
Additional Government Pleader

For R2 : Mr.D.Gopal
Government Advocate

For R3 : Mr.V.Murali

ORDER

The allegation against the writ petitioner, who was holding the post of Medical Store Officer was that she procured excess medicines beyond the permissible limit, which became expired and resulted in financial loss to the State Exchequer. There are wider allegations in the public domain that expired medicines are supplied to the poor patients, who all are taking treatment in the Government Hospitals in Urban and Rural areas. The medicines became ineffective as it expired.

2. That apart, in recent days, frequently diseases are out breaking, despite the fact that the Government announced various sanitation programs. After COVID-19, Monkey Pox and thereafter, Influenza and many more are spreading across the State of Tamil Nadu. These viral diseases are spreading continuously and the reason for such spreading over are not found out by the Medical Researchers, and competent authorities of the State.

3. There is a doubt in the public domain that, whether any miscreants are committing some illegalities in the matter of spreading such diseases in

the society for their personal gain in an organised manner. There are many allegations against the pharmaceutical companies and even recently, the Honourable Supreme Court of India recorded the fact that the pharmaceutical companies have made money in thousands of crore by promoting their brand in an unethical manner.

4. Whether these pharmaceutical companies are indulging in any other illegal activities for spreading these kind of viral diseases or not, are also to be enquired into and an investigation is imminent. Whether the State is monitoring the activities of the pharmaceutical companies, supply of medicines to the Government Hospitals and private traders, all to be considered by this Court in order to ensure, health being an integral part of Article 21 of the Constitution of India and it becomes the Fundamental Rights of citizen.

5. Therefore, the 1st respondent is directed to furnish the reasons and details regarding the spreading over of viral diseases, one after another, without any gap in the State of Tamil Nadu and by conducting necessary

enquiry and to ascertain the activities of these pharmaceutical companies and other medicine traders.

6. The respondents 1, 5 and 6 are directed to submit a report before this Court on 27.10.2022 for further consideration.

7. Post the matter on 27.10.2022, under the caption “For Orders”

14.10.2022

Jeni

Index : Yes / No

Speaking order / Non-speaking order

To

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S.M.SUBRAMANIAM, J.

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