

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

CORAM:
THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19677 of 2015

and M.P.No.1 of 2015

K.Krishnaveni

... Petitioner

Versus

1.The Collector
Krishnagiri,Krishnagiri Dist.

2.The District Project Officer
Integrated Child Development Schemes
Krishnagiri, Krishnagiri Dist.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Se.Mu.Na.Ka.No.1492/A1/2014 dated 03.06.2015 and quash the same and direct the respondents to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Mr.P.Rajendran
For respondents : Mr.Jayaprakash Narayanan, Spl.G.P

O R D E R

The petitioner is an Anganwadi Worker. She is dismissed from service by the impugned order dated 03.06.2015 on the sole ground that a criminal case is pending against her. No Government Employee could be dismissed from service on the ground that a criminal case is pending.

Either the Department can place the petitioner under suspension pending outcome of the criminal case or without awaiting for the outcome of the criminal case, the Department would proceed departmentally, and the employee could be imposed with punishment based on such departmental proceeding. But the Department cannot straight-away dismiss an employee on the ground that a criminal case is pending. Hence, the impugned order is set aside. The Writ Petition is allowed and a direction is issued to reinstate the petitioner forthwith. However, this will not preclude the respondents from placing the petitioner under suspension till the completion of criminal case or from taking Departmental Action against the

petitioner, if so advised. If the petitioner is placed under suspension pending outcome of the criminal case or pending the departmental enquiry, the petitioner shall be paid subsistence allowance as per the Rules. No costs. Connected MP is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Collector, Krishnagiri,Krishnagiri Dist.

2.The District Project Officer

Integrated Child Development Schemes,Krishnagiri, Krishnagiri Dist.

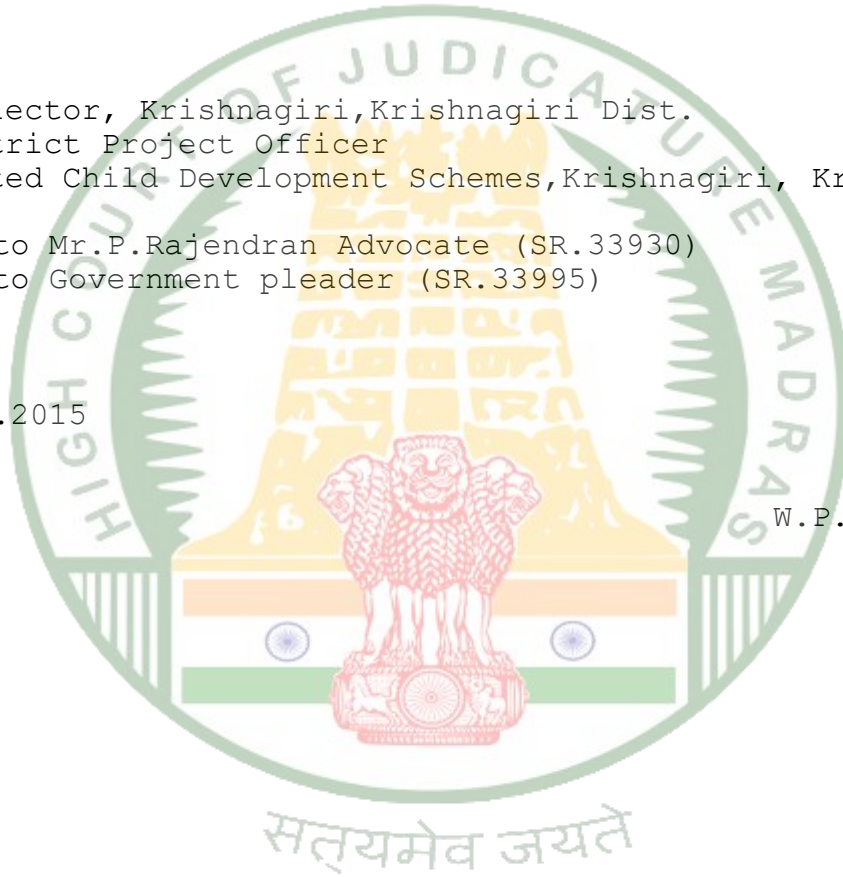
+ 1 cc to Mr.P.Rajendran Advocate (SR.33930)

+ 1 cc to Government pleader (SR.33995)

AK(CO)

CP 03.08.2015

W.P.No.19677 of 2015



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