

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32853 of 2016

M.Chitrangi

... Petitioner

vs.

1.The Principal Secretary to Government,  
Social Welfare Development,  
Chennai-9.

2.The Commissioner,  
Social Welfare Department,  
Chennai-32.

3.The District Social Welfare Officer,  
Vellore District, Vellore.

4.The Block Development Officer,  
Gudiyatham Union,  
Vellore District.

5.The Commissioner,  
Nemeli / Gudiyatham Panchayat  
Union,

Vellore District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the petitioner's representation dated 11.2.2016 and 21.8.2016 and thereby direct the respondents to reinstate the petitioner into service from 12.1.2016 with all consequential monetary and other service benefits.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.S.Gunasekaran,  
Addl. Govt. Pleader,  
for R.1 to R.3  
Mr.K.J.Sivakumar,  
Govt. Advocate, for R.4

## ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider her representations dated 11.2.2016 and 21.8.2016 and thereby direct the respondents to reinstate her into service from 12.1.2016 with all consequential monetary and other service benefits.

3. It is the case of the petitioner that she was appointed in Puratchi Thalaivar MGR Sathunavu Scheme by proceedings dated 9.5.1980 and thereafter, she was promoted as Extension Officer. While so, based on a false complaint lodged by one P.Manjula alleging that the petitioner demanded a sum of Rs.2,000/- as bribe, a case was registered in Crime No.1 of 2016 under Section 7 of the Prevention of Corruption Act, 1988. Subsequent to the registration of the complaint, the petitioner was arrested and later on, enlarged on bail. Thereafter, the second respondent placed the petitioner under suspension by proceedings dated 12.1.2016. Now, she is under suspension for a period of nine months and till date, no charge sheet is filed in the criminal case. Even the subsistence allowance has not been paid to her. Hence, the petitioner sent representations dated 11.2.2016 and 21.8.2016 to the respondents to reinstate her into service with all consequential monetary benefits. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, in W.P.No.17478 of 2014 dated 10.3.2015, by relying upon the judgment of the Hon'ble Supreme Court reported in 2015 (2) SCALE 432 - Ajay Kumar Choudhary v. Union of India through its Secretary and another, directed the respondent therein to consider the representation of the petitioner therein. Hence, following the same, similar order could be passed in this writ petition also.

5. I have also heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 to 3 and the learned Government Advocate, who has taken notice on behalf of the fourth respondent.

6. Keeping the submissions made on either side, I have carefully gone through the materials available on record.

7. The relevant portion of the order dated 10.3.2015 passed by this Court in W.P.No.17478 of 2014 is usefully extracted hereunder:-

" 2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3. The Supreme Court in Ajay Kumar Choudhary v. Union of India through its Secretary and another reported in 2015 (2) SCALE 432 has observed that suspension order should not extend beyond the period of three months.

4. The application submitted by the petitioner for review of suspension was rejected only on the ground that criminal case is pending. In view of the judgment of the Hon'ble Supreme Court cited supra, I am of the view that the matter requires fresh consideration by the first respondent.

5. In the result, the impugned order is set aside and the matter is remitted to the first respondent for fresh consideration. The petitioner is permitted to make a fresh representation. The first respondent is directed to consider the representation on merits and in the light of the observation made by the Hon'ble Supreme Court in the judgment referred to above. Such exercise shall be completed within a period of three months from the date of receipt of representation."

In this case, the petitioner is under suspension for a period of nine months. Further, in the criminal case, till date, no charge sheet was filed.

8. In view of the above facts and circumstance of the case I am of the opinion, it would be appropriate to direct the respondents to consider the case of the petitioner in the light of the judgment of the Hon'ble Supreme Court reported in 2015 (2) SCALE 432 - Ajay Kumar Choudhary v. Union of India through its Secretary and another.

9. Accordingly, without going into the merits of the claim made by the petitioner, this Court directs the (\*) **Second** respondent to consider the representation of the petitioner dated 21.8.2016 and pass appropriate orders, on merits and in accordance with law and also in the light of the judgment of the Hon'ble Supreme Court reported in 2015 (2) SCALE 432 - Ajay Kumar Choudhary v. Union of India through its Secretary and

another, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

**\* Corrected Copy as per  
dated 04/10/2016 made in  
WP.No.32853/2016**

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The Principal Secretary to Government,  
Social Welfare Development,  
Chennai-9.

2.The Commissioner,  
Social Welfare Department,  
Chennai-32.

3.The District Social Welfare Officer,  
Vellore District, Vellore.

4.The Block Development Officer,  
Gudiyatham Union,  
Vellore District.

5.The Commissioner,  
Nemeli / Gudiyatham Panchayat  
Union,  
Vellore District.

To be Substituted  
to the order  
already dispatched  
on 30/09/2016

1 cc to Mr.B.Sundarapandiyar, Advocate, **\*Sr.57041**

1 cc to Government Pleader, sr.53414

kra 29.09.2016  
md : 07/10/2016

W.P.No.32853 of 2016

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