

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.10554 of 2016 & W.M.P. Nos.9261 and 9262 of 2016

B. Bommi

Petitioner

vs.

The District Project Officer
Integrated Child Development Scheme
Vellore
Vellore District

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned order of the respondent in Se.Mu.Na.Ka.No.244/A1/15 dated 16.11.2015 and quash the same and direct the respondent to reinstate the petitioner in service with all attendant benefits.

For petitioner
For respondent

Mr. P. Rajendran
Mr. T.M. Pappiah
Special Government Pleader

ORDER

सत्यमेव जयते

This writ petition has been instituted calling in question, the legality and validity of the suspension order dated 16.11.2015 passed by the District Project Officer, Integrated Child Development Scheme, Vellore, the respondent herein and also for a direction to the respondent to reinstate the petitioner in service with all attendant benefits.

2 According to the petitioner, he approached this Court in W.P. No.15712 of 2015, challenging the order of suspension dated 30.01.2013 passed by the respondent in Se.Mu.Na.Ka.No.244/A1/2013 on the ground that prolonged suspension is not legally permissible and this Court, by order dated 04.06.2015, keeping in mind that in W.P. No.4785 of 2012 filed by one similarly placed person by name Padmini, who was

also implicated in the same criminal case, was given liberty to address a representation seeking revocation of suspension by way of review and that the respondent was directed to consider the said representation, directed the petitioner to address a representation seeking revocation of suspension with a further direction to the respondent to consider the same; pursuant thereto, the respondent revoked the order of suspension by order dated 15.09.2015, making it clear that the petitioner is not entitled to get salary for the period of suspension on the principle of "no work no pay"; having revoked the order of suspension pursuant to the order passed in W.P.No.15712 of 2015, the respondent, once again, vide the impugned order dated 16.11.2015, has ordered that the order of revocation of suspension stands cancelled on administrative grounds and that the order of suspension continues, which is unjustified and impermissible in law and hence, the same is required to be interfered with.

3 Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

4 While the petitioner was serving as an Anganwadi worker at Katharikuppam Anganwadi Centre, Vellore District, she was placed under suspension by order dated 30.01.2013 passed by the respondent on the ground that she was arrested and remanded to judicial custody in connection with a case in Cr. No.1 of 2011 on the file of the Inspector of Police, Economic Offences Wing, Vellore District. As she was kept under prolonged suspension, she preferred W.P.No.1766 of 2014 seeking a direction to the respondent to pay her Subsistence Allowance, wherein, this Court passed an order dated 24.01.2014 permitting her to submit another representation to the respondent seeking payment of Subsistence Allowance and also directing the respondent to consider the petitioner's representation. But, the respondent has passed an order on 20.05.2014 stating that Subsistence Allowance is not payable to the petitioner, since, she, who is an Anganwadi Worker, is not governed by any service rules.

5 While so, this Court, in another writ petition, viz., W.P.No.15712 of 2015 filed by the petitioner, by order dated 04.06.2015, as mentioned above, keeping in mind that the suspension of a similarly placed employee by name Padmini who was implicated in the same criminal case, was revoked, issued a direction to the respondent to consider the case of the petitioner also. Therefore, having favourably considered the case of the petitioner for revocation of suspension by order dated 15.09.2015, it is not open to the respondent to pass the impugned order stating that the order of revocation of suspension stands cancelled on administrative grounds and that the order of suspension continues. Further, the counter

affidavit filed by the respondent also has not thrown any light for holding that the order of suspension shall continue.

For all the aforesaid reasons, the impugned order dated 16.11.2015 stating that the order of suspension continues, is quashed and this writ petition is allowed with a direction to the respondent to reinstate the petitioner in service forthwith. No costs. Connected W.M.Ps. are closed.

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The District Project Officer
Integrated Child Development Scheme
Vellore
Vellore District

+1 CC to Mr.P. Rajendran, Advocate sr 41785

+1 CC to Govt. Pleader sr 42214

W.P.No.10554 of 2016

SKS (CO)
sp/3/7

सत्यमेव जयते

WEB COPY