

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7374 of 2017

&

WMP.NO.8032 of 2017

Tmt.Kannammal

W/o Chinnathambi

.. Petitioner

-vs-

1. The Commissioner/Director of
Integrated Child Development
Services

Pammal Nallathambi Street
Tharamani
Chennai-113

2. The District Collector
Dharmapuri District
Dharmapuri

3. The District Project Officer/Child
Development

Office of the District Collector
Dharmapuri District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation dated 27.12.2016 and 17.03.2017 and to review and revoke the suspension order issued to the petitioner on 28.11.2016 in Se.Mu.Na.Ka.No.1007/A1/2016 and to reinstate the petitioner into service, and to treat the period of suspension as duty with pay for all purposes.

For Petitioner :: Mr.V. Ajoy Khose

For Respondents :: Mr.T.M.Pappiah

Special Government Pleader

ORDER

Challenging the correctness of the impugned suspension order dated 28.11.2016 passed in Se.Mu.Na.Ka.No.1007/A1/2016 by the District Collector, Dharmapuri, the petitioner has come to this Court.

2. It is stated that there was a family quarrel between the petitioner's husband's first younger brother's family and second younger brother's family on 22.11.2016 and a First Information Report was registered against the petitioner, her husband, her husband's second younger brother and his wife on 24.11.2016. Based on the registration of First Information Report, the petitioner was arrested on the false complaint on the same day. Within four days, she was also placed under suspension by the second respondent. Immediately thereafter, the petitioner was enlarged on bail by the learned Judicial Magistrate, Pappireddipatti on 2.12.2016. Since the allegation made in the complaint and also in the First Information Report has nothing to do with the discharge of her official duties, a representation was given on 27.12.2016 requesting to revoke the suspension order. Prior to that, the village people also made a representation on 14.12.2016. Again finding no response to any one of the representations, one more representation was made by the petitioner to the third respondent for payment of subsistence allowance on 17.3.2017. In spite of the aforementioned three representations, neither the order of suspension was reviewed/revoked nor the subsistence allowance was paid. Therefore, she has been advised to come to this Court.

3. Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the respondents.

4. It appears that there was a quarrel between two families, namely, the petitioner's husband's first younger brother's family and the second younger brother's family on 22.11.2016. Since the First Information Report registered on 24.11.2016 against the petitioner, her husband, her husband's second younger brother and his wife, has led to the arrest of the petitioner, she was placed under suspension on 28.11.2016. However, the second respondent should have reconsidered the representation of the petitioner, for the reason that the allegation made in the complaint is nothing to do with the discharge of official duties by the petitioner, therefore, the suspension order is liable to be revoked. Hence the impugned order is hereby set aside. Needless to mention that the subsistence allowance covering the period of suspension shall also be paid to the petitioner. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.8032 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner/Director of
Integrated Child Development Services
Pammal Nallathambi Street
Tharamani
Chennai 600 113

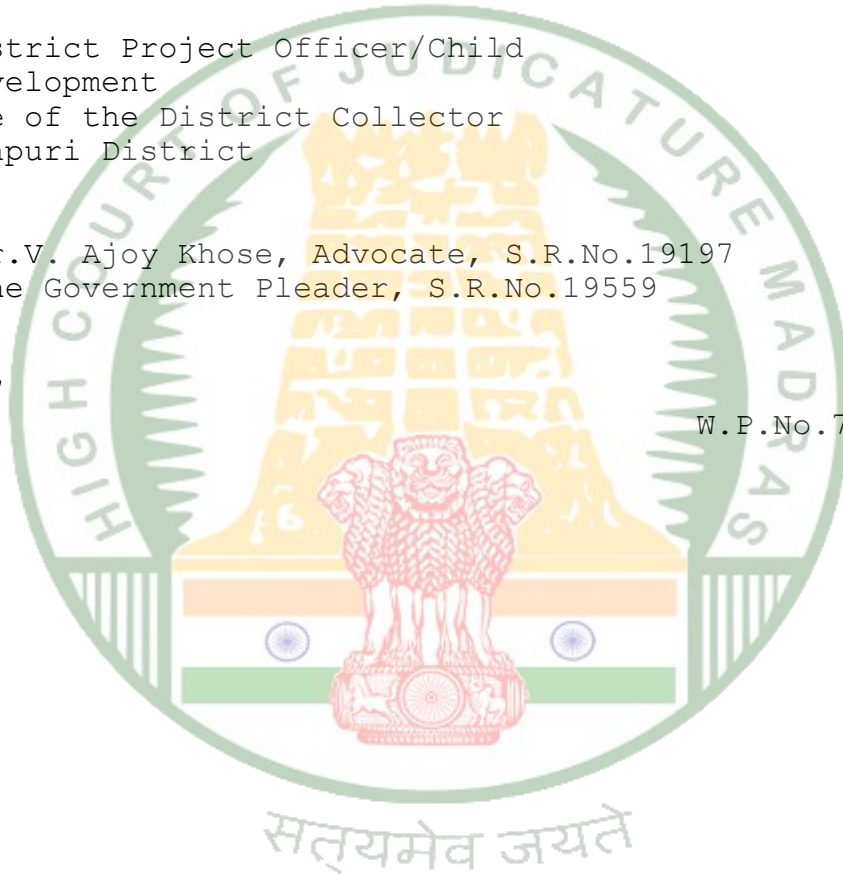
2. The District Collector
Dharmapuri District
Dharmapuri

3. The District Project Officer/Child
Development
Office of the District Collector
Dharmapuri District

+1cc to Mr.V. Ajoy Khose, Advocate, S.R.No.19197
+1cc to the Government Pleader, S.R.No.19559

RSI (CO)
EU 19.4.17

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