

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2337/2017 & WMP.No.2321/2017

D.Easwari

...Petitioner

Vs

1.The District Collector
Government of Tamil Nadu
Thiruvarur District, Thiruvarur.

2.The District Project Manager
Pudhuvazhvu Thittam,
Collectorate, Thiruvarur District,
Thiruvarur.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records from the respondents pertaining to the impugned order in Na.Ka.No.315/10/10 A3 dated 22.08.2016 and quash the same.

For Petitioner : Mr.K.M.Subramaniam
For RR 1 & 2 : Mr.P.Senthilvel, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sakthivel, learned Government Advocate accepts notice on behalf of the respondents.

2 The petitioner was initially appointed as Facilitator [Social Mobilization] in the Kottur Block of Thiruvarur District, by the 2nd respondent vide proceedings dated 06.12.2006 and she joined the said post on 11.12.2006 and claims that she has performed duties honestly and sincerely to the satisfaction of the superior officers. According to the petitioner, the nature of the job is that she has to create awareness among poor agriculturalists including persons who are physically challenged for promoting their socio-economic life. The petitioner would

further aver that as per an Urgent Memo dated 27.04.2016, issued by the 2nd respondent, she was called upon to find out the details of misappropriation and submit a report and in the event of any positive finding as to misappropriation, the petitioner has to pay the same within a period of thirty days and thereafter, inform the same to the 2nd respondent, failing which, she has to take up full responsibility. The petitioner, in response to the same, has submitted the reply dated 28.04.2016, praying for furnishing of the documents to find out the alleged misappropriation and also denied the fact that she had indulged in misappropriation. However, to the shock and surprise of the petitioner, she was issued with the impugned order dated 22.08.2016, placing her under suspension in public interest and challenging the legality of the same, the petitioner came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that in all fairness, the 2nd respondent ought to have furnished the documents sought for by the petitioner in her representation dated 28.04.2016 and without furnishing the same, has placed the petitioner under suspension and the same is unsustainable in law and on facts and would further aver that the order of suspension does not contain any reasons and prays for interference.

4 Per contra, Mr.P.Senthilvel, learned Government Advocate appearing for the respondents would submit that the competency of the 2nd respondent to place the petitioner under suspension is not challenged and since the petitioner is in the position of trust and confidence, she has to find out the details of misappropriation and though fair opportunity was given to her, she has not done so and therefore, in public interest, she has been rightly placed under suspension and prays for dismissal of the writ petition.

5 This Court has carefully considered the rival submissions and also perused the materials placed before it.

6 The petitioner, after receipt of the impugned order of suspension, has submitted her response vide representation dated 05.01.2017 to the respondents praying for revocation/reviewing of the order of suspension.

7 This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner permits the petitioner to submit one more representation to the 2nd respondent for revoking / reviewing the order of suspension along with a copy of this order as well as a copy of the earlier representation, within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, upon receipt of the same, after affording an opportunity of personal hearing to the petitioner, shall consider and dispose of the said representation on merits and in accordance with law and pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

8 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector
Government of Tamil Nadu
Thiruvarur District, Thiruvarur.

2.The District Project Manager
Pudhuvazhvu Thittam,
Collectorate, Thiruvarur District,
Thiruvarur

+1cc to Mr.Subramanian, Advocate, S.R.No.6392
+1cc to the Government Pleader, S.R.No.6433

PK(CO)
RS(14/02/2017)

W.P.No.2337/2017