



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

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W.P. (MD) No.16140 of 2017
and WMP Nos.12807 to 12809 of 2017

Neethial

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Programme Officer,
Integrated Child Development Scheme,
Tirunelveli District
Tirunelveli.

3.The Block Development Officer,
Kalakadu Panchayat Union,
Kalakad, Nanguneri Taluk
Tirunelveli District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the suspension order made by the 1st respondent dated 04.07.2017 in his proceedings in Se.Mu.Na.Ka.No.1468/A1/2017 and quash the same as illegal and consequently directing the respondents to reinstate the petitioner as Anganwadi worker at Nambinarayanapuram, Kalakad Panchayat Union, Nanguneri Taluk, Tirunelveli District with all monetary benefits.

For Petitioner	: Mr.S.R.Anbarasu
For Respondents	: Mr.D.Muruganandham Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The petitioner was placed under suspension by order dated 04.07.2017 on the ground that a criminal case has been registered in Crime No.114/2017 for offences under Sections 294(b), 323, 506



(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Assailing the same, the present writ petition has been filed.

4. The learned counsel for the petitioner would submit that when the petitioner was serving as Anganwadi Worker in Nambinarayanapuram, Kalakad Panchayat Union, Nanguneri Taluk in Tirunelveli District, without any adverse remarks, at the instigation of vested interest, a false case in Crime No.114/2017 has been registered on 14.05.2017 against the petitioner and two others for the offences as stated supra on the file of the Yeruvadi Police Station and on the basis of the said false case, the petitioner was arrested on 15.05.2017 and remanded to judicial custody. Subsequently, the petitioner was granted bail on 24.05.2017 vide order passed by the learned Principal District Judge, Tirunelveli. Subsequently the petitioner was suspended on 04.07.2017 by the first respondent.

5. The learned counsel for the petitioner would further submit that when the FIR is perused, the alleged overt act shows that the petitioner is said to have used one abusive language against the defacto complainant and neither Section 323 nor 506(ii) IPC has been made out. The only false allegation of abusing the de-facto complainant has been shown in the FIR, for which, the petitioner was arrested and remanded to judicial custody, which resulted the deprivation of the petitioner from continuing in service for the past almost three months, which caused prejudice to the petitioner. It is further submitted that the respondents have not come forward to review or revoke the order of suspension and even if the case is taken up for trial, the case registered against the petitioner will not stand any legal scrutiny and therefore, a direction may be issued to reconsider the suspension order and hence, the impugned order is liable to be quashed.

6. Per contra, the learned Additional Government Pleader would submit that the petitioner till date has not made any application to review or revoke the order of suspension and without doing so, she has come up with the present writ petition. He would further submit that chargesheet has not yet been filed till date.

7. But this Court is not inclined to give any direction, since the petitioner was placed under suspension by order dated 04.07.2017 and neither the chargesheet has been filed nor a charge memo has been issued to the petitioner. The ratio laid down by the Apex Court in *Ajay Kumar Choudhary v. Union of India* reported in (2015) 7 SCC 291, clearly shows that no Government Servant shall be kept under prolonged suspension. In the present case also, as the petitioner was kept under long suspension, the impugned order is liable to be quashed. Accordingly, the writ petition is allowed and the impugned order is quashed. No costs. Consequently



connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

/True copy/

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Sub Assistant Registrar

To

- 1.The District Collector,
Tirunelveli District,Tirunelveli.
- 2.The District Programme Officer,
Integrated Child Development Scheme,
Tirunelveli District, Tirunelveli.
- 3.The Block Development Officer,
Kalakadu Panchayat Union,
Kalakad, Nanguneri Taluk
Tirunelveli District.

+1cc to Mr.S.R.ANBARASU,Advocate,SR.78383

+1cc to M/S.Special Government Pleader,SR.78474

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