

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.09.2017****CORAM****THE HONOURABLE MR.JUSTICE T.RAJA****W.P. (MD) No.17955 of 2017****WEB COPY**

P.Indhira

: Petitioner

Vs.

1. The District Collector,
Kanyakumari District, Nagarcoil.

2. The Child Development Project Officer,
Agastheeswarm Block,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent i.e., the District Collector, Kanyakumari District to consider the petitioner's representation dated 27.06.2017 regarding the petitioner's reinstatement into service subject to the result of the criminal case pending against her in which charge sheet has already been filed and to pass appropriate orders within a specified time frame that may be fixed by this Court and also directing the District Collector, Kanyakumari to take action to grant subsistence allowance from the date of suspension of the petitioner.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.Muruganantham

Additional Government Pleader

O R D E R*********

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

2.The petitioner has come to this Court seeking Writ of Mandamus, directing the first respondent i.e., the District Collector, Kanyakumari District to consider the petitioner's representation dated 27.06.2017 regarding the petitioner's reinstatement into service subject to the result of the criminal case pending against her in which charge sheet has already been filed and also directed to take action to grant subsistence allowance from the date of suspension of the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner while serving as Anganwadi Worker at Ramanathichan Pudur Anganwadi, a criminal case was registered against her in Crime No.190 of 2016 at Anjugramam Police Station for offences under Section 174 Cr.P.C. The learned II Additional Sessions



Judge, Tirunelveli, has granted anticipatory bail to the petitioner in CrI.M.P.NO.1468 of 2016 dated 03.06.2016. During the pendency of the said criminal case, the petitioner was placed under continuous suspension for a period for one year and three months by the District Collector, Kanyakumari District vide proceedings No.1031/A1/2015 dated 23.06.2016. Therefore, the petitioner has given representation on 27.06.2016 to the respondents to consider and reinstate the petitioner into service subject to the result of the criminal case pending against him, in which the charge sheet has already been filed. Since, the said representation is still pending consideration, the petitioner is before this Court with the present writ petition.

4.Mr.D.Muruganantham, learned Additional Government Pleader, who takes notice for the respondents sought sufficient time to consider the petitioner's representation.

5. Considering the limited scope of the prayer sought for by the petitioner and in the light of the judgment of the Apex Court in the **Ajay Kumar Choudary's case reported in (2015) 7 SCC 291** in which it is held that prolonged suspension is not valid, this Court hereby directs the respondents to consider the petitioner's representation dated 27.06.2016 within a period of four weeks from the date of receipt of copy of this order.

6.The writ petition is disposed of with the above direction.
No Costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
Nagarcoil.
2. The Child Development Project Officer,
Agastheeswarm Block,
Kanyakumari District.

+1cc to Mr.S.Visvalingam , Advocate Sr.No.80145

+1cc to Spl.Government Pleader Sr.No.80956

MRN/MR

VB/KK/SAR3/24/10/2017/2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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