

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1223 of 2018
and C.M.P.No.10019 of 2018

Leelavathy ... Appellant
-vs-

- 1.The District Collector,
Thiruvavarur District,
Thiruvavarur.
- 2.The District Adi Dravidar
and Tribal Welfare Officer,
Thiruvavarur District, Thiruvavarur. ... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.12172 of 2018 dated 10.05.2018.

W.P.No.12172 of 2018 Prayer: Writ of Certiorari Calling for the records in RC.No. 4415/2018/K4 dated 25/04/2018 issued by the 2nd respondent quash the same.

For Appellant :: Ms.D.Geetha for
Mr.R.Diwakaran

For Respondents:: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant filed a writ petition before this Court in W.P.No.12172 of 2018 praying for quashing the order of suspension passed by the second respondent dated 25.04.2018 suspending the appellant, on the ground that she abstained from duty in the hostel during surprise inspection by the authorities, thus committing negligence in duty.

2.The learned single Judge admitted the writ petition and

issued notice to the respondents by order dated 10.05.2018. Challenging the said order, the appellant is before us, with this appeal.

3.The learned counsel for the appellant has submitted that the charge relating to non-availability of the appellant in the hostel at the relevant point of time, cannot be termed as a misconduct. She also submitted that even though the appellant explained the fact about her nature and timing of her duty vide her letter dated 30.04.2018, the second respondent had declined to consider her representation. Stating so, she prayed for granting the relief as prayed for in the writ petition.

4.Heard the learned Special Government Pleader on the submissions made by the learned counsel for the appellant and perused the materials available on record.

5.It is seen that the appellant has challenged only the order issuing notice. Even otherwise, we find that suspension order has been passed on the ground that the appellant was not present in the hostel at the relevant point of time. It appears that this is the first misconduct on the part of the appellant. Considering the gravity of the charge, the respondents are directed to hold enquiry into the matter, consider the representation dated 30.04.2018 given by the appellant and conclude the matter taking a lenient view by imposing any minor punishment if she is found to have been guilty of misconduct for not having present in the hostel at the relevant point of time, within a period of fifteen days from the date of receipt of a copy of this judgment.

6.The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

7.In view of the above order passed in this appeal, the learned counsel for the petitioner is directed to withdraw the writ petition in W.P.No.12172 of 2018.

Sd/-

Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

KM

To

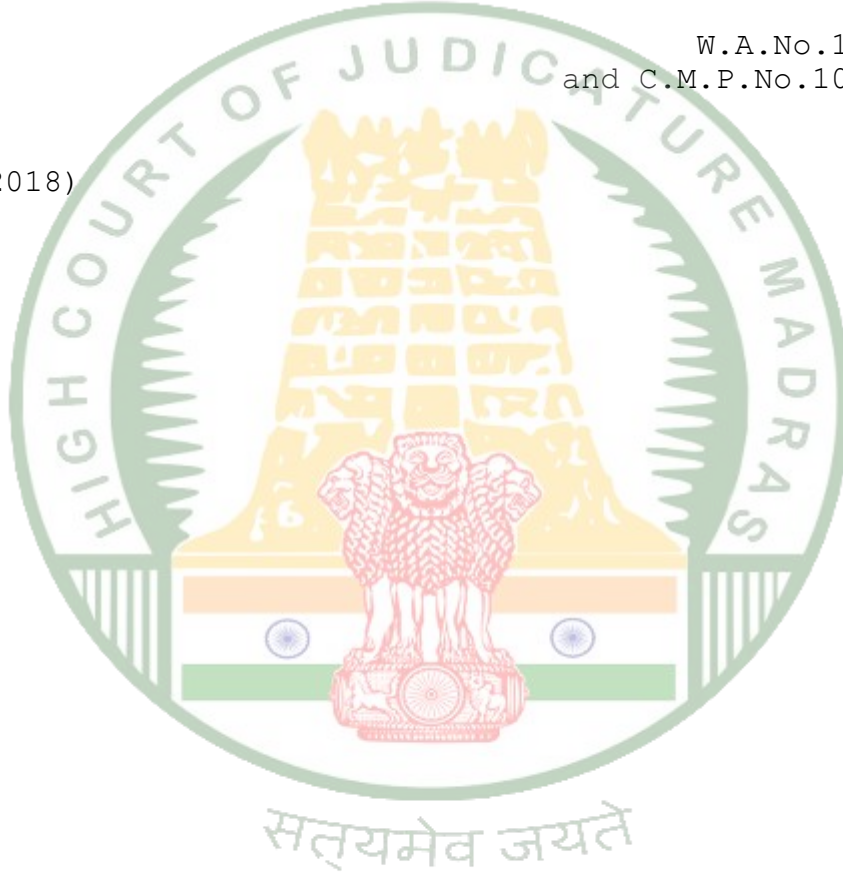
1.The District Collector,
Thiruvarur District,
Thiruvarur.

2.The District Adi Dravidar
and Tribal Welfare Officer,
Thiruvarur District, Thiruvarur.

+lcc to Mr.R.Diwakaran, Advocate SR.No.38405

W.A.No.1223 of 2018
and C.M.P.No.10019 of 2018

GN(29/06/2018)



WEB COPY