



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P (MD) No. 21151 of 2018

and

W.M.P (MD) No. 18968 of 2018

Jeeva

.. Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Virudhunagar District.

2. The Secretary cum District Planning Officer,
District Panchayat Office,
District Collectorate,
Virudhunagar - 626 002.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records connected with the suspension order passed by the second respondent against the petitioner in order No.Na.Ka.No.2440/A1/ 2017 dated 24.10.2017 on the file of the second respondent and quash the same as illegal and consequently to direct the second respondent to reinstate the petitioner in Nutritious Meal Programme Centre within the time stipulated by this Court.

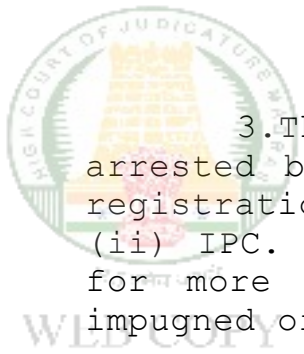
For Petitioner : Mr.Rajaselvan
for Mr.R.Alagumani

For Respondents : Mr.C.Ramar,
Additional Government Pleader.

ORDER

This writ petition has been filed praying to quash the suspension order passed by the second respondent against the petitioner in order No.Na.Ka.No.2440/A1/ 2017 dated 24.10.2017 and consequently direct the second respondent to reinstate the petitioner in Nutritious Meal Programme Centre, by way of issuing a writ of certiorari.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader representing the respondents.



3.The writ petitioner herein an Anganvadi worker, was arrested by Narikudi Police of Virudhunagar District pursuant to registration of an FIR on 24.07.2017 under Sections 294(b) and 506 (ii) IPC. Since the petitioner was detained in judicial custody for more than 48 hours, she was suspended from service vide impugned order dated 24.10.2017.

4.The writ petitioner submits that she is an innocent person and working as a Noon Meal staff, since 1982. Due to previous enmity, a false case has been given by one Subramanian. She was arrested by Narikudi Police and later released on bail.

5.The learned counsel appearing for the writ petitioner would also submit that since the de facto complainant has come forward to compromise the case and there is every likelihood of compounding the offence, the respondent herein shall consider revocation of the suspension order and reinstate her in service. Accordingly, she has also given a representation on 02.08.2018 and the same has not been considered by the respondents.

6.The first respondent has filed a counter, wherein narrating the facts of the case and the reason for suspending the writ petitioner, he has also stated that there is a *prima facie* case found against the petitioner herein for the alleged crime and the investigating agency has filed final report on completion of the investigation. Therefore, the order of the respondent suspending the petitioner is well within the legal parameters.

7.On considering the submission made by the writ petitioner that the *de facto* complainant has come forward to compound the offence, if any such event occurs the first respondent herein is at liberty to reconsider the representation in view of the changed circumstances and pass appropriate orders. If the writ petitioner makes any representation with facts which require reconsideration of the suspension order, the first respondent shall consider the same and pass appropriate orders expeditiously.

8.The writ petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

<https://hcservice.shera.gov.in/Service/Collector>,
Office of the District Collector,
Virudhunagar District.



2. The Secretary cum District Planning Officer,
District Panchayat Office,
District Collectorate,
Virudhunagar - 626 002.

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+1 cc To Mr.R.Alagumani, ADVOCATE IN SR NO.95284
+1cc to Special Government Pleader Sr.No.95191

Smn

MK/KK/RSK/SAR 3/28.12.2018/3P/5C

ORDER MADE IN
W.P(MD)No.21151 of 2018
and
W.M.P(MD)No.18968 of 2018
13.11.2018