

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.22156 of 2019

Mrs.Ramadevi

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep. by its Secretary,  
Department of Social Welfare and  
Nutritious Meal Programme (Integrated  
Child Development Service)  
Fort St.George, Chennai - 600 009.
  2. The District Collector,  
The Nilgiris District,  
Udhagamandalam.
  3. The District Child Development Project Officer,  
The Nilgiris,  
Udhagamandalam.
- ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Sey.Mu.Na.Ka.No.20/A/2019 dated 22.01.2019 and quash the same, and further direct the second and third respondents to pay the subsistence allowance to the petitioner from the date of her suspension from service with interest for delayed payment.

For Petitioner : M/s.M.Ezhilarasi

For Respondents : Mr.K.K.Ramesh  
Government Advocate

ORDER

This Writ Petition has been filed to call for the records of the second respondent in Sey.Mu.Na.Ka.No.20/A/2019 dated 22.01.2019 and quash the same, and to direct the second and third respondents to pay the subsistence allowance to the petitioner from the date of her suspension from service with interest for delayed payment.

2. Mr.K.K.Ramesh, learned Government Advocate takes notice for the Respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that she was appointed as an Anganwadi Worker in the year 1995 and she is currently working in Seaforth Anganwadi Centre. She was suspended from service on 22.01.2019 by the second respondent for certain misconduct, and after the order of suspension, she gave her reply for the same on 27.02.2019. Till date, neither any enquiry is being conducted nor any subsistence allowance is being paid to her by the respondents. Therefore, she has filed this Writ Petition before this Court.

4. The learned counsel for the petitioner would contend that the order of suspension was revoked on 19.07.2019, thereby, she is entitled to full subsistence allowance from the date of suspension till the date of revocation.

5. The learned Government Advocate appearing for the respondents has not disputed the fact, however, contended that the petitioner being a temporary worker would not be entitled for the balance of subsistence allowance, and also contended that they have not reserved any right to pay the subsistence allowance for the period of suspension after any departmental proceedings is initiated and completed.

6. In view of the above, I am not able to accept the contention of the learned Government Advocate, and once the suspension order is revoked, the petitioner is entitled to all the benefits as if the petitioner has not been suspended. Hence, this Writ Petition is allowed. However, request for interest for delayed payment is rejected. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Government of Tamil Nadu,  
Rep. by its Secretary,  
Department of Social Welfare and  
Nutritious Meal Programme (Integrated  
Child Development Service)  
Fort St.George, Chennai - 600 009.
2. The District Collector,  
The Nilgiris District,  
Udhagamandalam.
3. The District Child Development Project Officer,  
The Nilgiris,  
Udhagamandalam.

+1 cc to M/s.M.Ezhilarasi, Advocate, S.R.No.64898

VSN-II (CO)  
SSM(10/09/2019)

W.P.No.22156 of 2019



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