

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31017 of 2019

Mrs. Tamilselvi

Noon Meal Organizer,

Panchayat Union Middle School,

Kanapatty, Nallampalli Panchayat Union,

Dharmapuri District.

..Petitioner

Vs

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Block Development Officer / Commissioner,
Nallampalli Panchayat Union,
Nallampalli,
Dharmapuri District.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue an order, direction, writ more particularly a Writ in the nature of Writ of Mandamus, directing the first respondent to revoke the order of suspension of the petitioner dated 10.11.2018 made in ROC.No.17577/2018/XI as per the direction issued by the Principal Secretary to Government, Personnel and Administrative Reforms (N) Department dated 23.07.2015 in pursuant to the judgment of the Hon'ble Supreme Court of India made in SLP(C) No.31761 of 2013 dated 16.02.2015 (in the case of Ajay Kumar Choudhary Vs. Union of India and another) within stipulated time.

For Petitioner : Mr.K.Balu

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

1.This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the Respondent to revoke the order of suspension of the petitioner dated

10.11.2018 made in ROC.No.17577/2018/XI of her representation dated 11.03.2019.

- 2.The case of the petitioner is that the petitioner was appointed as a Noon Meal Organizer by the first Respondent vide proceedings dated 02.05.1994 by direct recruitment. On 10.11.2018 she was suspended from service since she has been involved in a criminal case registered in Cr.No.178/2018 on the file of the Inspector of Police, Papparapatti Police Station, Dharmapuri District and thereafter she was arrested and remanded to judicial custody. According the petitioner, though Final Report has been filed before the Judicial Magistrate, Pennagaram, it has been kept pending without any progress while the petitioner has been kept under suspension all along. It appears that the petitioner made a representation to the respondents praying to revoke the order of suspension and to reinstate her into service. Since no response is evoking, despite her representation the petitioner has come forward with the present writ petition.
- 3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the Judgment rendered by the Hon'ble supreme Court reported in 2015 (7) SCC 591 (Ajay Kumar Choudhary V. Union of India) and would submit that as per the said decision, the suspension order should not be extended beyond three months. He would further submit that even the petitioner made representation on 11.03.2019, praying to revoke the suspension order, the respondent has not considered the same and no orders were not passed till date. Therefore, he would implore this Court to direct the Respondent to revoke the order of suspension of the petitioner dated 10.11.2018.
- 4.The learned Government Advocate appearing for the respondents conceded to the request as submitted by the learned counsel appearing for the petitioner. The learned counsel would submit that if this Court directs the respondents to consider the dispose of the representations made by the petitioner, the same would be complied with and the representation would be disposed of in accordance with law.
- 5.Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the representation of the petitioner dated 11.03.2019, including the payment of suspension of allowance, on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

jrs

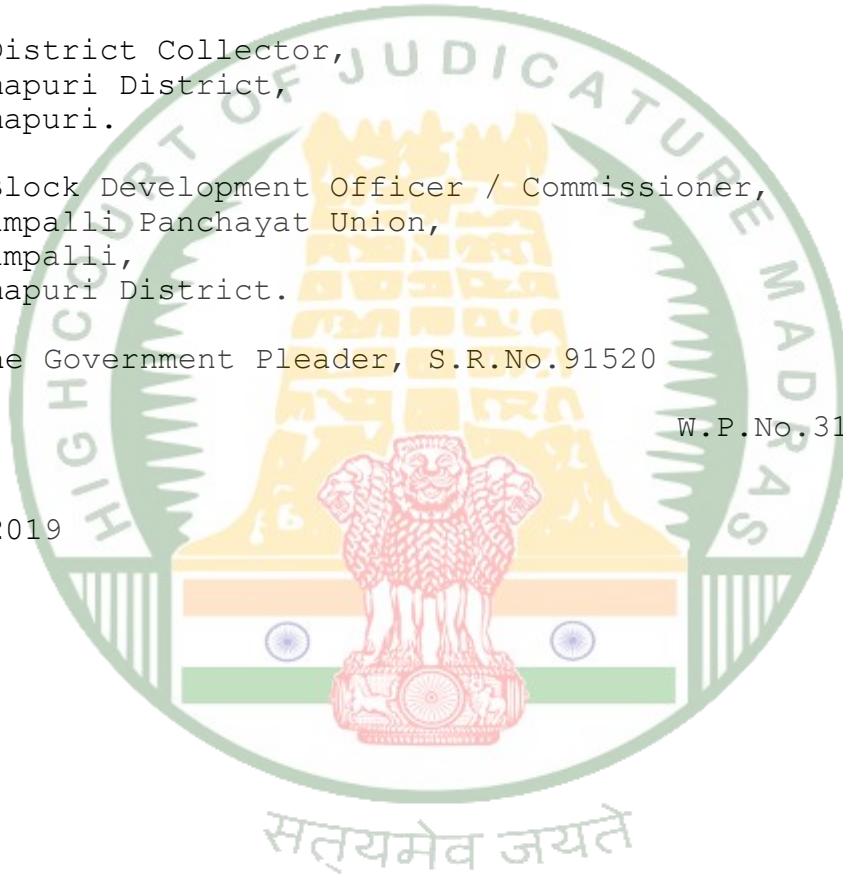
To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Block Development Officer / Commissioner,
Nallampalli Panchayat Union,
Nallampalli,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No.91520

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MP (CO)
CS/03/12/2019



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