



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26812 of 2019

and

W.M.P (MD) .Nos.23177 and 23178 of 2019

WEB COPY

Rengalakshmi

... Petitioner

/vs./

1.The District Collector,
O/o., District Collector,
Tirunelveli District.

2.The District Collector,
O/o., District Collector,
Thenkasi District.

3.The District Project Officer,
Integrated Child Development Service,
ICDS Office, Collector Office Campus,
Tirunelveli, Tirunelveli District.

4.The Child Development Project Officer,
Kuruvikulam,
Kuruvikulam Union,
Tiruvengadam Taluk,
Thenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in Se.Mu.Na.Ka.No.2503/A1/2019 on the file of the first respondent office dated 17.10.2019 and quash the same as illegal and consequentially direct the respondents to reinstate the petitioner in service and regularize the period of suspension with all monetary benefits within a stipulated time frame that may be fixed by this Court.

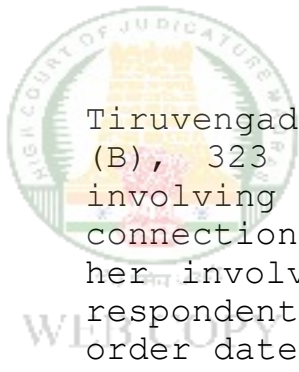
For Petitioner : Mr.K.Karunanithi

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The petitioner herein, while serving under the fourth respondent center as Anganvadi Worker, was implicated in a criminal case in Crime No.231 of 2019 on the file of the

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Tiruvengadam Police Station for the offences under Sections 294 (B), 323 and 506(ii) IPC, in connection with a civil dispute involving a common pathway. The petitioner was also arrested in connection with her involvement in a criminal case. In view of her involvement in the criminal case and her arrest, the first respondent herein was placed under suspension through the impugned order dated 17.10.2019 with effect from 02.10.2019.

2.It is stated that neither the charge sheet in the criminal proceedings nor charge memo with regard to the departmental enquiry has been made even after the lapse of three months. It is also stated that pursuant to the suspension order, no disciplinary action has been initiated against the petitioner till date. While that being so, the continuance of the suspension against the petitioner beyond the period of three months, is against the ratio laid down in **Ajaykumar Choundhary's** case.

3.The Hon'ble Apex Court in the case of **AJAY KUMAR CHOUDHARY Vs., UNION OF INDIA THROUGH ITS SECRETARY & ANR.**, reported in (2015) 2 SCC 291 had held that the currency of suspension order should not normally extend beyond three months, if within this period the memorandum of charges/charge sheet has not been served on the delinquent officer/employee.

4.In the instant case, though the FIR came to be registered on 30.09.2019, the charge sheet has not been filed even after the expiry of three months and by applying the ratio laid down in **AJAY KUMAR CHOUDHARY** case, the suspension order ought to have been revoked at that point of time itself. On this sole ground, the petitioner is entitled to succeed.

5. Heard the learned Government Advocate appearing for the respondents.

6.In view of all the above discussions, this Court is of the view that the suspension order dated 17.10.2019 requires to be interfered with. The Hon'ble Apex Court in **AJAY KUMAR CHOUDHARY** case had also observed that when the suspension order is revoked, it would be open to the Government to transfer the concerned person to any department of its offices. In my view, the respondents could be granted this liberty to safe guard the interest of the Government in the prosecution.

6.For all the reasons stated above, the impugned order dated 17.10.2019 in Se.Mu.Na.Ka.No.2503/A1.2019 passed by the first respondent is set aside. Consequently, the respondents are directed to reinstate the petitioner immediately, in any case, within a period of one week from the date of receipt of a copy of



this order. It is open to the respondents to transfer the petitioner to any other office, if the respondents may choose do so.

7. With the above observations, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar (CS)

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To:

1. The District Collector,
O/o., District Collector,
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O/o., District Collector,
Thenkasi District.
3. The District Project Officer,
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ICDS Office, Collector Office Campus,
Tirunelveli, Tirunelveli District.
4. The Child Development Project Officer,
Kuruvikulam,
Kuruvikulam Union,
Tiruvengadam Taluk,
Thenkasi District.

+1 CC to SPL.GP (SR-3742[F] dated 29/01/2020)

Order made in
W.P. (MD) No. 26812 of 2019

Dated:
28.01.2020

KM/ (12.02.2020) 3P 6C

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