



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO. 9603 OF 2014

S.Santhi

..Petitioner

Vs

1. The District Collector,
Villupuram.

2. The Child Development Project Officer,
Villupuram.

..Respondents

Prayer:

writ petition is filed under Article 226 of Constitution of India for Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order dt 6.6.2013 in Se. Mu. Na. Ka. No. 2347/A3/2011 on the file of the 1st respondent and quash the same in respect of non-regularisation of suspension period as duty period and non-payment of salary for the said period consequently direct the respondents to regularize the period of suspension i.e. from 29.11.2011 till 9.6.2013 as duty period and to pay salary to petitioner for the said period within a reasonable time.

For Petitioner : M/s.T.Gandhi

For Respondents : Mr.U.M.Ravichandran, Spl.GP

O R D E R

The relief sought for in the writ petition is to calling for the records pertaining to impugned order dt 6.6.2013 in Se. Mu. Na. Ka. No. 2347/A3/2011 on the file of the 1st respondent and quash the same in respect of non-regularisation of suspension period as duty period and non-payment of salary for the said period consequently direct the respondents to regularize the period of suspension i.e. from 29.11.2011 till 9.6.2013 as duty period and to pay salary to petitioner for the said period within a reasonable time.



2. The learned counsel for the petitioner has submitted that the petitioner while she was working as Anganwadi worker at the centre, she took medical leave from 14.11.2011 to 28.11.2011. During her leave period on 28.11.2011 a female child who came to the said Anganwadi, reported to have vomited and immediately the child was handed over to her parents with an advice to take her to hospital. But during the treatment, the child died. In view of the said incident, the petitioner was placed under suspension despite the explanation submitted by the petitioner that she was on medical leave on the date of occurrence.

3. According to the learned counsel for the petitioner, the Attendance Register and Inspection Report for the month of November 2011 clearly prove that the petitioner was on medical leave from 14.11.2011 till 28.11.2011. But ignoring the same the 1st respondent had passed the impugned order by way of summary proceedings, without adducing any reasons in the said order, therefore, the said impugned order is a cryptic and non-speaking order and liable to be quashed.

4. The learned Special Government Pleader in support of the counter affidavit filed by the 2nd respondent, has submitted that the petitioner is a part time Government employee and therefore she is not eligible for any wages. Further, the petitioner has neither produced leave letter nor medical certificate for the period from 14.11.2011 to 28.11.2011. The learned Special Government Pleader has further submitted that the petitioner has submitted her leave application after her suspension to overcome her suspension with the explanation on 09.01.2012 for revoking her suspension. After the due departmental enquiry, the 1st respondent had passed an order, suspending the petitioner from service vide order dated 29.11.2011, but re-instated the petitioner by impugned proceedings dated 06.06.2013. Therefore, the 1st respondent had correctly passed the impugned order and the same does not require interference by this Court.

5. Heard both sides and perused the documents available on record.

6. Admittedly, the 1st respondent has passed the impugned order. The 1st respondent has not mentioned relevant rule provisions and reasons to impose the said punishment on the petitioner. It is also clear that no opportunity has been granted to the petitioner to defend charges levelled against the petitioner before concluding enquiry. Therefore, this Court is of the view that the 1st respondent had not followed due procedures while imposing punishment, therefore on this ground, the impugned order is liable to be set aside.

7. Accordingly, the impugned order of the 1st respondent is



quashed. The writ petition is allowed with the following observations;

i. The 1st respondent is directed to consider the case of the petitioner afresh in accordance with law, by affording sufficient opportunity to the petitioner and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this Order.

ii. The petitioner is also directed to submit all the relevant documents before the authority concerned and cooperative with the enquiry.

iii. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ak

To

1. The District Collector,
Villupuram.
2. The Child Development Project Officer,
Villupuram.

+1cc to Mr.T.Gandhi, Advocate, S.R.No.65449

W.P.Nos. 9603 of 2014

NRL (CO)
PM/05/01/2022