



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.3397 of 2020

and

W.M.P(MD)No.2857 of 2020

WEB COPY

K.Jeyalakshmi

... Petitioner

vs.

1.The District Collector,
Theni,
Theni District.

2.The Project Officer,
Noon-meal Organization,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to continue her work as a Noon Meal organizer in Silvarpatti-IV Centre and forbearing the respondents from disturbing the petitioner from discharging her duty as Noon Meal organizer in Silvarpatti.

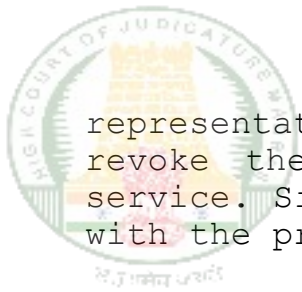
For Petitioner : Mr.J.Jeya Kumaran

For Respondents : Mr.K.S.Selvaganesan
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to continue her work as a Noon Meal organizer in Silvarpatti-IV Centre and forbearing the respondents from disturbing the petitioner from discharging her duty as Noon Meal organizer in Silvarpatti.

2.According to the petitioner, she was appointed as Noon Meal Organizer in Silvarpatti-IV Centre, for the past 28 years, without any blemish to her superiors. While so, based on a false complaint, a case was registered against the petitioner in Crime No.18 of 2019 for the offences punishable under Sections 498(A), 294(b), 506(i) IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the petitioner was arrested and enlarged on bail, by the learned Judicial Magistrate, Theni, on 08.08.2019. The respondents suspended the petitioner orally. When the petitioner approached the respondents, she was informed that oral suspension will be revoked only based on the outcome of the criminal proceedings. The petitioner sent a



representation, dated 31.10.2019, requesting the first respondent to revoke the suspension of the petitioner and reinstate her into service. Since no order has been passed, the petitioner has come out with the present Writ Petition.

3.Mr.K.S.Selvaganesan, learned Government Advocate appearing for the respondents submitted that based on the complaint given by her daughter-in-law, a case in Crime No.18 of 2019 was registered against the petitioner for the offences punishable under Sections 498(A), 294(b), 506(i) IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and based on the same, the petitioner was arrested and enlarged on bail by the learned Judicial Magistrate, Theni, on 08.08.2019. In view of the criminal case and arrest of the petitioner, she was suspended by order, dated 06.08.2019. The learned Government Advocate further submitted that the respondents will consider the representation of the petitioner and pass orders within the time stipulated by this Court.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

5.Considering the rival submissions of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents, this Court is of the view that the respondents cannot keep the petitioner under suspension without any enquiry for a long period. Though the petitioner is not entitled to the larger relief sought for in the present Writ Petition, it is suffice to direct the respondents to consider the representation of the petitioner.

6.In view of the above, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 31.10.2019 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

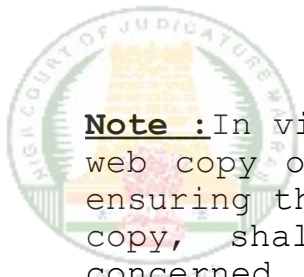
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

WEB COPY

To

- 1.The District Collector,
Theni,
Theni District.
- 2.The Project Officer,
Noon-meal Organization,
Theni District.

+1 CC to M/s.SPL GP (SR-24745[F] dated 30/07/2021)

W.P (MD) No. 3397 of 2020
29.07.2021

RD(6.08.2021) 3P 4C