



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM

WEB COPY

THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) No. 5561 of 2018

Bhuvaneswari

.. Petitioner

Vs.

1. The District Collector,
Sivagangai District.

2. The District Project Officer,
Sivagangai District.

3. The Child Development Project Officer,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the first and second respondents to reinstate the petitioner in service in the post of Anganwadi Worker, on the basis of the second respondent proceedings in Na.Ka.No.333/A1/2015 dated 24.10.2017 and consequently issue a direction to the first and second respondents to pay the subsistence allowance for the period of suspension from 25.02.2015 along with arrears of salary which is due and payable to the petitioner with interest for such delayed payment and pass orders.

For Petitioner

: Mr. R. Udhayakumar

For Respondents

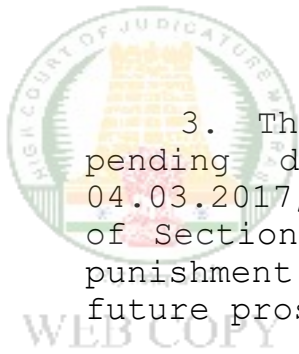
: Mr. K.S. Selvaganesan

Counsel for State

ORDER

Heard Mr.R. Udhayakumar, learned counsel for the petitioner and Mr.K.S.Selvaganesan, learned Standing Counsel for the State.

2. The petitioner was employed as an Anganwadi Worker at Kanakkankudi Village Anganvadi Centre. There were certain derelictions of duty that were noted at the time of conduct of audit, as a result, that a complaint came to be registered in Crime No. 2 of 2015 and a charge sheet was filed in C.C.No.166 of 2015 on the file of the Judicial Magistrate, Court No.II Sivagangai.



3. The petitioner was suspended from service on 25.02.2015 pending departmental enquiry and judgement was delivered on 04.03.2017, in the criminal case punishing the petitioner in terms of Sections 4(1) and 4(3) of the Probation of Offenders Act. The punishment imposed was applicable for one year and would not affect future prospectus or service benefits.

4. Accordingly, the petitioner states that he preferred representations seeking reinstatement in service. In the present Writ Petition, he has sought a mandamus directing the respondents to re-instate him based upon his requests and relying upon judgment dated 04.03.2017. The first limb of the prayer for reinstatement stands achieved, as, pending writ petition, the petitioner has been reinstated in service.

5. The second limb seeks subsistence allowance for the period of suspension with arrears of salary.

6. Learned Government Pleader would submit that there is no such request in the representation submitted before the authorities. In any event, the law does not provide for payment of subsistence allowance insofar as Anganwadi Workers have been employed under the Noon Meal Scheme and such appointees, including the petitioner would not be entitled to the benefits available to Government servants.

7. Without delving into this question on merits, it would suffice to permit the petitioner to make a representation to the authorities seeking subsistence allowance with arrears of salary, which may be considered, if and when filed, by the authorities, after hearing the petitioner on merits and in accordance with law.

8. This writ petition is disposed as above. No costs.

Sd/-

Assistant Registrar (cs-i)

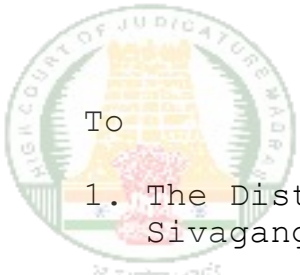
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/ /2021

Sub Assistant Registrar(CS)

mnr

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



To

1. The District Collector,
Sivagangai District.
2. The District Project Officer,
Sivagangai District.
3. The Child Development Project Officer,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-34268[F] dated 12/11/2021)

W.P. (MD) No. 5561 of 2018
11.11.2021

mms (CO)
KB(29.11.2021) 3P 5C