



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.03.2022
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7297 of 2011

R.Saraswathi

...Petitioner

-Vs-

The District Project Officer,
Integrated Child Development Scheme,
Cuddalore, Cuddalore District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Na.Ka.No.90/A3/2011 dated 28.02.2011, quash the same insofar as it treats the period of suspension from 14.08.2002 to 28.02.2011 as a period of loss of pay and direct the respondent to treat the said period of suspension as duty period and grant all attendant benefits to the petitioner.

For Petitioner : Mr.P.Rajendran
For Respondent : Mr.E.Veda Bagath Singh,
Special Government Pleader

ORDER

The petitioner herein, while employed as an Anganwadi Helper under the respondent, was placed under suspension on 14.08.2002, on the ground of her involvement in a criminal case. Subsequently, the criminal case ended in an acquittal on 10.11.2010 and by the impugned order dated 28.02.2011, the petitioner herein was reinstated back into service. However, the period of suspension between 14.08.2002 and 28.02.2011 was treated as a 'period on loss of pay'. Aggrieved against the same, the present writ petition has been filed.

2. The Government Order in G.O.Ms.No.228, Personnel and Administrative Reforms Department, dated 13.04.1989, passed under Fundamental Rule 54B, states that when a Government servant is placed under suspension for his involvement in a criminal case, which is under investigation or trial, and is subsequently reinstated into service on his acquittal by the Court either on merits or on the ground that the charge has not been proved against him or by giving benefit of doubt or on any



other technical ground, or on the ground that he has been pardoned by the Court as he turned approver based on his judicial confession, he must be regarded as having been prevented from discharging his duties and the period of his absence including the period of suspension shall be treated as duty for all purposes and he shall be paid full pay and allowances which he would have been entitled to, had he not been under suspension.

3. The present impugned order, depriving the petitioner from the wages during the suspension period, is opposed to the aforesaid Government Order and hence cannot be legally sustained. Consequently, it requires to be held that the period of suspension should be treated as duty period for all purposes.

4. In the light of the above observations and findings, the impugned order of the respondent dated 28.02.2011 is quashed. Consequently, there shall be a direction to the respondent herein to pass appropriate orders, treating the petitioner's suspension period between 14.08.2002 and 28.02.2011 as duty period for all purposes and disburse all the monetary benefits, after adjusting the subsistence allowance paid, if any, within a period of four (4) weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands allowed, accordingly. No costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

hvk
To

The District Project Officer,
Integrated Child Development Scheme,
Cuddalore, Cuddalore District.

+1 CC to Mr.P.Rajendran, Advocate sr 13709
+1 CC to The Government Pleader sr 10736.

W.P.No.7297 of 2011

GPL(CO)
SP(17/03/2022)