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W.P.No.16153 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16153 of 2019
and
W.M.P.No.15890 of 2019

Kalaiselvi

...Petitioner

Vs.

The Personal Assistant
to the District Collector (Nutrition)
Collectorate Villupuram, Villupuram,
Tamil Nadu.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent pertains to the impugned order bearing reference Na.Ka.No.5765/2018/BE4 dated 15.10.2018 and quash the same, consequently direct the respondent to reinstate the petitioner in her service with continuity of service, back wages and all other attendant benefits.

For Petitioner : Mr.S.Anbzhagan

For Respondent : Mrs.E.Indhumathi
Government Advocate



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ORDER

The order of suspension dated 15.10.2018 issued by the respondent is under challenge in the present writ petition.

2. The petitioner states that she was appointed as Cook Assistant on Part-time basis in Komaloor Panchayat Union. The petitioner was placed under suspension on account of the fact that a Criminal Case was registered against her under Sections 498-A and 302 of I.P.C. The petitioner was arrested and therefore, the respondent placed the petitioner under suspension.

3. The learned counsel for the petitioner states that the Criminal Case is pending.

4. Under these circumstances, the learned Government Advocate appearing on behalf of the respondent states that the petitioner is not a regular employee and she is a part-time employee.



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5. That being the case, the authorities are bound to take an appropriate decision, whether to continue the order of suspension or to initiate further action under the relevant rules in force.

6. If at all the petitioner is a part-time temporary employee, then appropriate actions are to be initiated under the terms and conditions of the appointment issued to the petitioner, appointing her as part-time temporary employee. If she is a permanent employee, then she would be entitled for Subsistence Allowance as per the rules in force.

7. Thus, the respondent is bound to consider all these factors, review the order of suspension in accordance with the rules in force as expeditiously as possible.

8. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.11.2022

Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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