



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.9428 of 2021 and
WMP(MD) No.7155 of 2021

Govindammal

Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Child Development Scheme Officer,
Vadipatti Taluk,
Madurai District.

3.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the first respondent in his proceedings செ.மு.ந.க.எண் 362/அ1/2021 நாள் 08.04.2021 and quash the same and consequently direct the first respondent to reinstate the petitioner into service with continuity of services and applicable monetary benefits.

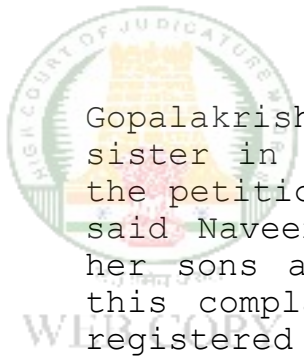
For Petitioner :Mr.N.Sathish Babu

For Respondents :Mr.J.Ashok,
Additional Government Pleader

O R D E R

This writ petition is filed challenging the order of suspension, dated 08.04.2021.

2.The case of the petitioner is that she is a widow, working as Anganwadi worker in the Thathampatti School Campus. Since the petitioner's daughter one Alagumani was found missing, the petitioner lodged a complaint before Vadipatty police station and the same was registered in Crime No.1712 of 2020, on 25.08.2020, as 'girl missing'. Later, they came to know that Naveenkumar has abducted her daughter and on knowing that, the petitioner's sons



Gopalakrishnan, Yuvanshankar Raja along with the petitioner's sister in law went to the Naveenkumar's house to find out whether the petitioner's daughter confined in their house. The mother of the said Naveenkumar lodged counter complaint that the petitioner and her sons assaulted them and also criminally intimidated. Based on this complaint, the Inspector of Police, Vadipatti police station registered another case in Crime No.159 of 2021 on 02.04.2021, for the offences punishable under Sections 294 (b), 323, 324 and 506 (ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. By referring this criminal case pending against the petitioner, she was placed under suspension by the order impugned in this writ petitioner. Therefore, the petitioner is before this Court, challenging the order of suspension.

3.Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submits that the petitioner is working as Anganwadi worker and based on the information received from the third respondent police, she was added as an accused in Crime No.159 of 2021, for the offences punishable under Sections 448, 294(b), 323, 324, 506 (ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, pursuant to which, she was placed under suspension. He further submits that as per the orders of the Honourable Supreme Court in ***State of Karnataka and others Vs Ameerbi and others, reported in (2007) 11 SCC 681***, the post of Anganwadi workers are not statutory posts and the posts were created under a Scheme and the Anganwadi workers do not carry on any function of the State. Their recruitment process is not governed by the Constitution or any statute. Therefore, they are not Government employees under Article 162 of the Constitution of India. Now, action is being taken to issue charge memo as against the petitioner.

4.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

5. It is seen that based on the complaint lodged by the petitioner that her daughter was found missing on 24.08.2020, a case in Crime No.1712 of 2020 has been registered on the file of the Vadipatti Police Station. Later, it came to light that the petitioner's daughter eloped with one Naveenkumar. The mother of the said Naveenkumar foisted a false complaint that the petitioner and others came to Naveenkumar's house and assaulted them. Though the case was registered on 03.04.2021, the case is not charge sheeted so far. The petitioner is also kept under suspension, in view of the criminal case pending in Crime No.159 of 2021. The allegation as against the petitioner is that she assaulted the complainant one Sudha, the mother of Naveenkumar and also criminally intimidated. The respondent police has not found the complaint as true and not filed the final report as against the petitioner. In this circumstances, the petitioner has lodged a complaint as against the son of the complainant in Crime No.1712 of 2020 in the month of



August 2020. Hence, it is clear that the issue involved in this matter is domestic quarrel between the parties.

6.Considering the facts and circumstances of the case and the fact that no final report has been filed as against the petitioner in Crime No.159 of 2021, the impugned order of suspension is hereby quashed. Accordingly, this writ petition is allowed. Even though there is no service condition, the petitioner is entitled for subsistence allowance during the suspension period. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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,
Madurai District.
- 2.The Child Development Scheme Officer,
Vadipatti Taluk,
Madurai District.
- 3.The Inspector of Police,
Vadipatti Police Station,
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+1 CC to M/s.SPL.GP (SR-1719[F] dated 19/01/2022)

W.P(MD) No.9428 of 2021 and
WMP(MD) No.7155 of 2021
12.01.2022

RK(17/03/2022) 3P 5C