



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P (MD) No.12290 of 2021

T.Mahalakshmi

... Petitioner

Vs

1.The District Collector,
Virudhunagar,
Virudhunagar.

2.The Block Development Officer,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, for a direction to revoke the suspension order passed by the first respondent in his proceedings in Na.Ka.R3/5925-2017, dated 24.10.2017 and consequently, direct the first respondent to reinstate the petitioner in service as Noon Meal Assistant, as per the judgment of the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India, (2015) 7 SCC 291, within a stipulated time fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

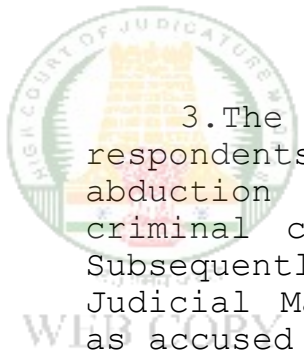
For Respondents : Mr.Ashok,

Additional Government Pleader

ORDER

This writ petition is filed as against the suspension order dated 24.10.2017 issued by the respondents.

2.The learned Counsel for the petitioner submits that the petitioner is working as a Noon Meal Assistant in a School. While so, alleging the involvement of the petitioner in a criminal case in Crime No. 647 of 2017 on the file of the Srivilliputhur Town Police Station, registered under 'girl missing', she has been placed under suspension. Though the investigation in criminal case has been completed and final report has also been filed in C.C.No.65 of 2021 before the learned Judicial Magistrate No.II, Srivilliputhur, neither the suspension order has been revoked nor has it been reviewed.



3.The learned Additional Government Pleader appearing for the respondents submits that the petitioner is facing serious charge of abduction of a minor child and based on the registration of the criminal case, the petitioner has been placed under suspension. Subsequently, the final report has been filed before the learned Judicial Magistrate No.II, Srivilliputhur, arraying the petitioner as accused No.1, the same was taken on file in C.C.No.65 of 2021 and the case is pending.

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

5.It is seen from the records that the petitioner was placed under suspension as early as on 24.10.2017 in pursuance of the registration of the criminal case and the criminal case is pending. However, the departmental proceedings initiated against the petitioner was not proceeded further. It is well settled position of law that there is no bar for the disciplinary authority to proceed with the departmental proceedings simultaneously, when the criminal case is pending.

6.In view of the above, the respondents are directed to conclude the departmental proceedings initiated against the petitioner within a period of six months from the date of receipt of a copy of the order and if the departmental proceedings are not concluded within the stipulated period, the respondents shall review of the order of suspension as per the dictum laid down by the Hon'ble Supreme Court in Ajay Kumar Choudhary Vs Union of India, (2015) 7 SCC 291. It is needless to state that the petitioner is entitled for subsistence allowance during the suspension period.

7.The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

dsk

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 Judicial Magistrate No.2,
Srivilliputhur.

2.The District Collector,
Virudhunagar,
Virudhunagar.

3.The Block Development Officer,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-1707[F] dated 19/01/2022)

W.P (MD) No.12290 of 2021
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MK/18.02.2022/3P/5C