



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.02.2022
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.4626 of 2019

M.Vijayalakshmi

... Petitioner

-vs-

1.State of Tamil Nadu,
Rep., by its District Collector,
Trichy District.

2.The District Development Officer,
Trichirappalli.

3.The Child Welfare Development Officer,
Thuraiyur, Trichy District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the impugned proceedings of the 2nd respondent in Se.Mu.Na.Ka.No.903/A1/2018 dated 06.08.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all backwages.

For Petitioner : Mr.V.SINGAN, Advocate

For Respondents : Mr.D.S.NEDUNCHEZHIAN,
Government Advocate

O R D E R

The order of suspension dated 06.08.2018, issued by the 2nd respondent is under challenge in the present writ petition.

2.The petitioner was appointed as an Assistant in the Anganwadi Centre, Singalandhapuram, Thuraiyur Taluk, Trichy District. A criminal case was registered in Crime No.190 of 2018 on the file of the Thuraiyur Police Station on 01.08.2018 for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of IPC. The petitioner though states that he is innocent of the allegations, this Court cannot adjudicate the facts and circumstances on merits. However, the fact remains that the criminal case ended with an order of acquittal dated 22.09.2021 on the file of the Judicial Magistrate, Thuraiyur.



3.No doubt, acquittal in a criminal case cannot be a ground to seek exoneration from the departmental disciplinary proceedings. Therefore, if any material is available on record, the Disciplinary Authority is at liberty to proceed with the departmental disciplinary proceedings and complete the same as expeditiously as possible. As far as the impugned order of suspension is concerned, keeping the petitioner under suspension becomes unnecessary, as he has already been acquitted in the criminal case and further, prolonged suspension is not desirable. In view of the facts and circumstances, the order impugned, passed by the 2nd respondent dated 06.08.2018, is quashed and the respondents are directed to reinstate the petitioner within a period of four weeks from the date of receipt of a copy of this order.

4.Accordingly, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar (A.D.II)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To

- 1.The District Collector
State of Tamil Nadu,
Trichy District.
 - 2.The District Development Officer,
Trichirappalli.
 - 3.The Child Welfare Development Officer,
Thuraiyur, Trichy District.
- +1CC to Special Government Pleader SR.No.5006

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