

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21019 of 2022

and

W.M.P.(MD)Nos.15258 and 15260 of 2022

Kaveri Packiyamuthu

... Petitioner

Vs

1.The District Adi Dravidar and Tribal Welfare Officer,
Tenkasi District.

2.The Special Tahsildar,
Adi Dravidar & Tribal Welfare Office,
Tenkasi District.

3.Muthulakshmi,
Matron,
Government Adi Dravidar Welfare Girls Hostel,
Sengottai, Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the 1st respondent vide her proceedings in Na.Ka.No.A4/5554/2020 signed on 26.08.2022 and quash the same as illegal and consequently direct the 1st respondent to reinstate

her into service so as to serve as a cook in Government Adi Dravidar Welfare Girls Hostel, Sengottai, Tenkasi District.

For Petitioner : Mr.P.Gunasekaran
For Mr.R.Anand

For Respondents : Mr.D.S.Nedunchezian,
Govt. Advocate for R1 & R2.
Mr.G.Rajendran for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner questions the impugned order of suspension passed by the first respondent. The petitioner was appointed as Cook in the department of Adi Dravidar and Tribal Welfare in January 2016. She had been working as Cook in Government Adi Dravidar Welfare Girls Hostel, Sengottai. By the impugned order dated 26.08.2022, she has been suspended from service.

3.The learned counsel for the writ petitioner took me through the averments set out in the affidavit filed in support of the writ petition and contended that the impugned order of suspension has to be set aside.

4.Per contra, the learned Government Advocate for the respondent 1 and 2 and the learned counsel for the third respondent submitted that the petitioner had encouraged girl students to commit acts of indiscipline and that the impugned order of suspension does not call for any interference.

4.I carefully considered the rival contentions and went through the materials on record. The stand of the respondents is that in Government Adi Dravidar Welfare Girls Hostel, Sengottai on 27.07.2022, three girl students namely, V....., K..... and S..... studying in 7th, 8th and 11th standards respectively were escorted from third respondent hostel to the school concerned on 27.07.2022 in the morning. It appears that the said school children had managed to slip away from the school campus. Since the students were not present during the class, the class teacher of V..... contacted her mother. Thereupon, a police complaint was lodged. The three children returned to the hostel in the evening hours and pretended as if they attended the school. The third respondent questioned the children and rusticated them from the hostel and handed over them to their parents. The third respondent claims to have conducted enquiry and come to know that the petitioner herein had given her mobile phone to the erring children so as to enable them to contact their boy

friends. The third respondent complained to the first respondent that the continued presence of the petitioner in the hostel would pose a grave threat to the maintenance of discipline in the hostel. Taking cognizance of the complaint lodged by the third respondent, the first respondent had passed the impugned order of suspension. In the impugned order of suspension, the petitioner had been condemned.

5.A reading of the impugned suspension order indicates that the first respondent had already come to a firm conclusion regarding the petitioner's guilt. The suspension order has been passed virtually as a measure of punishment. It casts stigma on the petitioner. Such an order could not have been passed without holding an enquiry. I can understand if the petitioner had been served with a charge memo and pending enquiry, she has been suspended from service. But in the impugned order of suspension itself, she had been condemned wholesale. It is for this reason, I am constrained to interfere. That apart, there is not even a iota of material to sustain the allegation that the petitioner had given her mobile phone to the erring children to enable them to contact their boy friends. The impugned order of suspension rests on the complaint of the third respondent/Matron alone. There is no justification in passing the impugned order. For this reason, I quash the same and allow the

writ petition. I make it clear that allowing of this writ petition will not come in the way of the first respondent from taking further action in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

16.09.2022

Index : Yes / No
Internet : Yes/ No
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Note : The Registry to suppress the name of the students while issuing order copy.

To:-

- 1.The District Adi Dravidar and Tribal Welfare Officer,
Tenkasi District.
- 2.The Special Tahsildar,
Adi Dravidar & Tribal Welfare Office,
Tenkasi District.

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G.R.SWAMINATHAN, J.

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