



W.P(MD)No.27448 of 2022

WEB COPY

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27448 of 2022

and

W.M.P.(MD)No.21545 of 2022

A.Senthil Andavar

... Petitioner

Vs.

1.The District Collector,
Inspector of Panchayat,
Theni District.

2.The Assistant Director (Panchayats),
Rural Development Building,
Near District Employment Office,
Theni District.

3.The Block Development Officer (VP),
Village Panchayat,
Panchayat Union Office,
Aranmanaipudhur,
Mullai Nagar,
Theni 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 records relating to the impugned order passed by the 1st respondent by his proceedings in Roc. No.15347/2022/RD8 dated 13.04.2022 by considering the



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petitioner representation dated 28.11.2022 and quash the same and consequently direct the 1st respondent to reinstate the petitioner along with all attendant benefits.

For Petitioner : Mr.S.Vinayagamani,
For Mr.K.Mahendran.

For Respondents : Mr.R.Sureshkumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is employed as Panchayat Secretary. He was implicated in a vigilance case. He was arrested by the Deputy Superintendent of Police, Vigilance and Anti-Corruption Wing, Theni and lodged in jail. Therefore, the first respondent passed the impugned order dated 13.04.2022 suspending the petitioner from service. The order of suspension cannot be faulted. When an employee is arrested and remanded to custody for more than 48 hours, he is deemed to be under suspension.

3.The learned counsel for the petitioner makes two fold request. He would point out that for the last seven months, the petitioner has not been paid



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subistence allowance. As rightly pointed out by the learned counsel for the petitioner, an order of suspension does not snap the employer - employee relationship. It is very much holding good. Therefore, the employer is obliged to pay subsistence allowance to the petitioner. If the petitioner has not been paid subsistence allowance from the date of suspension, the respondents are directed to pay the entire arrears and continue to pay the monthly subsistence allowance till he is reinstated.

4.The petitioner has also given a representation for reinstatement. I cannot give any positive direction for reinstatement. The first respondent is directed to consider the petitioner's representation dated 28.11.2022 and pass appropriate order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

02.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:

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