



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1329 of 2023

R.Pachainayagi

Petitioner

vs.

1.The District Collector,
Coimbatore District,
Coimbatore – 18.

2.The Commissioner,
Panchayat Union Office,
Pollachi (North)
Coimbatore District.

3.The Personal Assistant to Collector (Nutrition Meal),
Coimbatore District,
Coimbatore.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 16.10.2022 and to pay the arrears of subsistence allowance from 22.2.2020 to 20.1.2022 within a reasonable time as may be determined by the Court.



For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.E.Sundaram
Government Advocate fo R1 & R3
Mr.C.Harsharaj
Additional Government Pleader
for R2

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 16.10.2022, wherein, the petitioner has sought for the payment of arrears of the subsistence allowance for the period from 22.02.2020 to 20.01.2022.

2.The case of the petitioner is that she was appointed as a Noon Meal Organizer in a Government Higher Secondary School at Kollapatty. A complaint came to be lodged before the Megamam Police Station and an FIR was registered in Crime No.30 of 2020 as against one Thirumoorthy and five others. A counter complaint was lodged by the said Thirumoorthy as against the petitioner, her husband and the other family members and the same was taken on file in Crime No.31 of 2020. Based on the FIR registered, the petitioner was arrested and remanded to judicial custody in



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the course of investigation. In view of the same, the petitioner was placed under suspension by the 2nd respondent through the impugned proceedings dated 22.02.2020.

3.The petitioner filed a writ petition in W.P.No.13613 of 2020 before this Court challenging the order of suspension. This writ petition was allowed by an order dated 10.11.2021 and the suspension order was quashed. Pursuant to this order, the petitioner was reinstated into service and was reappointed as the Noon Meal Organizer in the Panchayat Union Primary School at Anupparpalayam.

4.The petitioner made a representation on 16.10.2022 seeking for the payment of the arrears of subsistence allowance for the period from 22.02.2020 to 20.01.2022. Since the representation was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

5.Heard Mr.P.Pugalenth, learned counsel appearing on behalf of the petitioner, Mr.E.Sundaram, learned Government Advocate appearing on



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behalf of respondents 1 and 3 and Mr.C.Harsha Raj, learned Additional Government Pleader appearing on behalf of the 2nd respondent.

6.Taking into consideration the limited relief sought in the present writ petition and without going into the merits of the case, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 16.10.2022 on its own merits and in accordance with law and a final decision shall be taken by the 2nd respondent, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.

7.This writ petition is disposed of with the above direction. No Costs.

20.01.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr



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N. ANAND VENKATESH, J.

ssr

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