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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.11863 of 2023

and

WMP(MD)Nos.10286 & 10287 of 2023

M.Jeyalakshmi

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The District Planning Officer,
Madurai District Integrated Child
Development Project Office,
Madurai City and District.

3.The Child Development Project Officer,
Melur Block, Melur.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to revoke the order of suspension dated 09.02.2023 in Na.Ka.No.03/A/2023 dated . 02.2023 passed against the petitioner and allow her to rejoin duty as the Noon Meal Organiser in the A.Vallappati East, Anganwadi Centre, Melur Taluk in the light of the petitioner's representations dated 27.4.2023, 04.05.2023 and 08.05.2023.



Petitioner : Mr.N.Dilipkumar
For Respondents : Mr.G.Suriyanath,
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner is working as Anganwadi worker. By the impugned order, she has been suspended from service. The petitioner seeks not only reinstatement but also payment of subsistence allowance.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for. The respondents have filed counter affidavit and the learned Government counsel took me through its contents.

4.The learned Government counsel would argue that the petitioner has been involved in as many as four criminal cases and that keeping such a person on their rolls is detrimental to the interest of the children for whom the petitioner has to work. He pressed for dismissal of this writ petition.



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5.I carefully considered the rival contentions and went through the materials on record. The petitioner was arrested in connection with Crime No.202 of 2022 on the file of the Melavalavu Police Station, Madurai District. She was arrested on 03.01.2023 and granted bail on 22.02.2023. The suspension order therefore cannot be faulted. It is a case of deemed suspension. The conditions imposed on the petitioner were relaxed on 15.04.2023. The petitioner is obviously not entitled to any allowance, let alone subsistence allowance for the period when she was in jail. It appears that several conditions were imposed on the petitioner and that they were totally relaxed on 15.04.2023. The learned counsel for the petitioner on instructions from the petitioner states that she would not press for payment of subsistence allowance for the period till the conditions were totally relaxed.

6.Now the question is whether the petitioner's suspension should be continued. It is true that the petitioner was implicated as many as in four cases. Out of them, two cases were closed by the police themselves as Mistake of Fact. One case was quashed by me vide order dated 21.02.2022 in CrI OP(MD)No.17148 of 2021. There was a rival claim between two persons in the village, namely, Gopalakrishnan and



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Kusalavan. The petitioner is a victim of crossfire. The petitioner's husband has now been detained under Goondas Act. The case against the petitioner is that she was a party to the conspiracy. In my earlier quash order, I observed that there is a tendency to implicate all the family members. While the petitioner's innocence will be determined by the jurisdictional criminal court, the petitioner's suspension need not be continued. The petitioner has two young school going children. When her husband is in detention, even subsistence allowance has not been paid for the last six months. The petitioner has been financially choked. It is not the case of the authority that the petitioner has not discharged her official duty. My attention is drawn to the decision reported in **2022 SCC OnLine SC 507 (Maniben Maganbhai Bhariya vs. District Development Officer Dahod and ors)**. The importance of anganwadi worker has been highlighted in the said judgment. I direct the first respondent to revoke the petitioner's suspension and reinstate her in service forthwith and without any delay. The respondents shall pay subsistence allowance to the petitioner from 16.04.2023 till the date of her reinstatement. It is made clear that I have not quashed the suspension order.



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7.This writ petition is allowed on these terms. No costs.

Connected miscellaneous petitions are closed.

27.06.2023

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

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