



W.P(MD)No.12641 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.12641 of 2023

Kondammal

...Petitioner

Vs.

1.The District Collector,
O/o. the District Collectorate Office,
Theni District.

2.The Personal Assistant,
O/o. the District Collectorate Office,
Theni District.

3.The Commissioner,
Panchayat Union,
Aundipatty,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to revoke the order of suspension, dated 29.08.2022 made in proceeding No.Na.Ka.NO.35112/2022/Vu.Va.11 passed by the 1st respondent, by considering the petitioner's representation, dated 26.11.2022.



WEB COPY



W.P(MD)No.12641 of 2023

For Petitioner : Mr.A. Jainul Abudheen
For Respondents 1 and 2: Mr.N. Muthu Vijayan
Special Government Pleader
For 3rd respondent : Mr. A.Kannan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuing direction to the respondents to revoke the order of suspension, dated 29.08.2022 made in proceeding No.Na.Ka.No. 35112 / 2022/ Vu.Va.11 passed by the 1st respondent, by considering the petitioner's representation, dated 26.11.2022.

2. I have heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is working as Nutrition Assistant of Panchayat Union School in Pullimankombai, Theni District. The nature of the petitioner's work is cooking in the said school. Already, there was a civil dispute between her husband and one Muthuraj, who is the relative of her husband. Due to the said dispute, the said Muthuraj has given a



W.P(MD)No.12641 of 2023

WEB COPY

complaint against the petitioner and her husband on 22.08.2022, in which, a case was registered in Crime No.280 of 2022 for the offences under Sections 294(b), 324,, 307, 448, 452, 506(i) and 109 IPC r/w. Section 4 of Tamil Nadu Prohibition of Women from Harassment Act. Subsequently, her husband was remanded to judicial custody. Since a criminal case was registered against the petitioner as well on the basis of the recommendation made by the 1st respondent, suspension order was passed by the second respondent as against the petitioner vide proceedings in Na.Ka.No. 35112/2022/Vu.Va.11 vide order, dated 29.08.2022 and the impugned suspension order was served to her on 30.08.2021. The said suspension order was passed without any enquiry or opportunity of hearing to the petitioner. Since the petitioner was suspended, she made a representation in person to revoke the suspension order passed by the second respondent. However, the said request was not considered. Thereafter, on 26.11.2022 she gave a detailed representation seeking to revoke the suspension and the same was also not been considered. Hence, the petitioner has come forward with the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents would submit that the First Information Report has



W.P(MD)No.12641 of 2023

culminated in filing the charge sheet in S.C.No.9 of 2023 and the said case is pending before the Mahila Court, Theni and the same is posted for trial.

In such circumstances, the question of revoking the suspension order of petitioner will not arise.

5. Considering the facts and circumstances of case and also considering the fact that the petitioner is a cook, who is serving in the basic service of Government of Tamil Nadu and that she is a women and that she was suspended as early as on 29.08.2022 and the 9 months has been lapsed and that the subsistence allowance is not provided to her for more than three months, the respondent concerned is directed to revoke the order of suspension, dated 29.08.2022 made in proceeding in Na.Ka.No.35112/2022/Vu.Va.11, passed by the second respondent considering the representation of the petitioner, dated 26.11.2022 within a period of two weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition is allowed. No costs.

01.08.2023

Index : Yes / No
Internet : Yes/ No
trp



W.P(MD)No.12641 of 2023

WEB COPY

To

1.The District Collector,
O/o. the District Collectorate Office,
Theni District.

2.The Personal Assistant,
O/o. the District Collectorate Office,
Theni District.

3.The Commissioner,
Panchayat Union,
Aundipatty,
Theni District.



WEB COPY



W.P(MD)No.12641 of 2023

L.VICTORIA GOWRI, J.,

trp

W.P(MD).No.12641 of 2023

01.08.2023