



WEB COPY



W.P.No. 5710 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5710 of 2024

and

W.M.P.Nos.6315 & 6317 of 2024

R.Mathiazhagi

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Petitioner

Vs

1. The Director,
Department of Social Defence,
Kellys, Chennai – 600 010.

2. The Joint Director,
Department of Social Defence,
Kellys, Chennai – 600 010.

3. The District Child Protection Officer,
District Collectorate Campus,
Cuddalore,
Cuddalore District.

4. The Superintendent,
Annai Sathya Memorial Government Children Home,
Cuddalore,
Cuddalore District.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in relation to the proceedings issued by the fourth



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respondent in proceedings No.1/32341/2023, dated 15.10.2023 and quash the same and issue a consequential direction to the respondents to reinstate the petitioner in service as Grade-I Matron at Annai Sathya Government Children Home with all benefits.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mrs.R.L.Karthika
Government Advocate

ORDER

This Writ Petition has been filed challenging the order of suspension dated 15.10.2023 passed by the fourth respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was working as Grade-I Matron on 30.12.2016 in the Government Women Rehabilitation Home, Mylapore, Chennai. By an order dated 26.12.2021, she was deputed to Annai Sathya Memorial Government Children Home, Cuddalore. While being so, the petitioner imposed corporal punishment on the 12th Standard students. Further, she caused mental agony to the children and she acted against the interest of the children, without obeying the instructions given by the superior officer. On



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the complaint, FIR has been registered as against the petitioner in Crime No.27 of 2023 on the file of the Inspector of Police, All Women Police Station, Cuddalore and it is pending for investigation. Pursuant to the registration of the FIR as against the petitioner, there is a prima-facie case has been made out to suspend the petitioner. Therefore, by an order dated 15.10.2023, the petitioner was suspended from service by the fourth respondent. Subsequently, the petitioner was also served with a charge memo dated 23.11.2023, consisting of four charges. Now, she is facing disciplinary proceedings under Rule 17(b) of CCA Rules.

4. The learned counsel appearing for the petitioner would submit that so far the petitioner was not paid any subsistence allowance. That apart, the order of suspension stated that the petitioner committed offence, without obeying any instructions. Therefore, the petitioner was suspended from service. The petitioner also submitted a representation to the respondents to revoke the order of suspension.

5. A perusal of the order of suspension dated 15.10.2023 reveals that a prima-facie case has been made out to suspend the petitioner, since the petitioner was imposed with a corporal punishment as against the 12th



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Standard students. That apart, the petitioner acted against the interest of the children and also failed to obey the instructions issued by the superior. Therefore, this Court finds no infirmity or illegality in the order of suspension dated 15.10.2023 passed by the fourth respondent as against the petitioner. Thus, the writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. However, the petitioner is entitled for subsistence allowance during the period of suspension and the fourth respondent is directed to ensure that the petitioner will be paid subsistence allowance during the period of suspension. The petitioner is at liberty to submit a fresh representation to revoke the order of suspension. Consequently, connected miscellaneous petitions are closed. No costs.

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Index: Yes/No
Speaking Order: Yes
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To

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G.K.ILANTHIRAIYAN, J.

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