



WEB COPY

W.P.No.9778 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.9778 of 2024
and WMP.No.10809 of 2024

Isabella

... Petitioner

-Vs-

1. The District Collector,
Coimbatore District.
2. The Commissioner
Social Welfare Department,
Lady Willington College Campus,
Kamarajar Salai, Chennai 00 005.
3. The Deputy Block Development Officer,
(Noon Meal) Karamadai,
Coimbatore District.
4. The Personal Assistant
Noon Meal,
Coimbatore Collectorate,
Coimbatore.
5. Samsad Begum
6. Sumitha

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Na.Ka.No.361/2024/Q-2, dated 14.03.2024



and quash the same and consequently direct the 1st respondent to consider the representation of the petitioner dated 25.03.2024 and quash the same.

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For Petitioner : Mr. B.Kumarasamy

For Respondents : Mr.C.Jayaprakash for R1 to R4

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in Na.Ka.No.361/2024/Q-2, dated 14.03.2024 and quash the same and consequently direct the 1st respondent to consider the representation of the petitioner dated 25.03.2024.

2. The order of suspension notices a few lapses on the part of the petitioner and in contemplation of the disciplinary enquiry the petitioner was suspended.

3. The learned counsel for the petitioner submitted that the petitioner is not at all at fault and as a matter of fact, the 6th respondent namely Sumitha has accepted that she has only indulged in all the same, therefore without even proper application of mind and only to save the 6th respondent, the respondents are involving the other employees including the petitioner. There is absolutely



no justification for placing the petitioner under suspension. The learned counsel also produced a copy of the representation made by said Sumitha, admitting her mistakes.

4. Per contra, the learned Government Advocate appearing for the respondents 1 to 4 submitted that already a charge memorandum dated 08.04.2024 has been issued to the petitioner containing eight charges and as a matter of fact Commissioner, Pollachi Municipality is the disciplinary authority and without even adding disciplinary authority this writ petition is filed.

5. Heard both sides and perused the materials available on record.

6. As far as the order of suspension in contemplation of the disciplinary proceedings are concerned, this Court can interfere if only the order is passed without jurisdiction or when it is passed malafide or without any ground what so ever. When the respondents are contemplating disciplinary proceedings and as a matter of fact issued the charge memorandum, the contention of the petitioner on merits have to be considered only by the respondents in the disciplinary proceedings or at the time of review of suspension and cannot be a



ground to interfere in the suspension order as such. Therefore, if the petitioner feels that she is totally innocent and not at all involved, it will be open to her to make such representation to the respondents both by way of explanation to the charge memo and also to make a prayer to revoke the suspension. With such liberty, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

10.04.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq

To

1. The District Collector,
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4. The Personal Assistant
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D. BHARATHA CHAKRAVARTHY, J.

dpq

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