



WEB COPY



W.P.No.11247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11247 of 2024
and
W.M.P.No.12342 of 2024

Latha

...Petitioner

-Vs-

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Personal Assistant to District Collector
(Noon Meal Scheme),
Office of the District Collector,
Dharmapuri,
Dharmapuri District.
- 3.The Block Development Officer,
Noon Meal Scheme,
Pennagarm Panchayat Union,
Pennagarm – 636 810,
Dharmapuri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to revoke the order of suspension of the petitioner



W.P.No.11247 of 2024

dated 17.11.2023 based his application dated 27.03.2024 as per the direction issued by the Government of Tamil Nadu in G.O.Ms.No.81, Human Resources Management (N) Department dated 04.08.2022 and consequently direct the respondents to pay the subsistence allowance to the petitioner from the date of his suspension i.e., 17.11.2023 to till date along with arrears for protecting her livelihood and pass such further orders.

For Petitioner	:	Mr.M.R.Jothimanian
For R1 & R2	:	Mr.C.Jayaprakash Government Advocate
For R3	:	Mr.P.Ananda Kumar Government Advocate

ORDER

This writ petition is filed seeking for a Writ of Mandamus, directing the respondents to revoke the order of suspension of the petitioner dated 17.11.2023 and consequently direct the respondents to pay the subsistence allowance to the petitioner from the date of his suspension i.e., 17.11.2023 to till date along with arrears.

2. The petitioner was working as a Noon Meal Organizer. During the night hours on 11.11.2023, it is alleged that she attacked her husband with a knife and he suffered grievous injuries. A case in Crime No.205 of 2023 was



W.P.No.11247 of 2024

registered on 12.11.2023 for the offences under Sections 294(b) and 307 of IPC. The petitioner was also arrested and remanded to custody. Accordingly, an order of suspension was passed on 17.11.2023 placing the petitioner in suspension. Thereafter, the petitioner came out on bail. However, the suspension has been continued until now. The petitioner had made a representation on 27.03.2024. Subsequently, after coming out on bail, she is living together with her husband and her children and she has requested to review and revoke the suspension. The petitioner has also not paid any subsistence allowance till date.

3. Mr.C.Jayaprakash, learned Government Advocate takes notice for respondents 1 and 2 and submits that only because of the criminal case, the petitioner has been suspended.

4. Mr.P.Ananda Kumar learned Government Advocate takes notice for the 3rd respondent.

5. On a specific query from this Court, the learned Government Advocate submits that the domestic quarrel between the petitioner and her husband has nothing to do with the services.



W.P.No.11247 of 2024

6. Considering the overall facts and circumstances of the case, the writ petition is disposed of with the following directions:

- (a) The 1st respondent shall consider the representation of the petitioner dated 27.03.2024 and pass orders regarding review/revocation of the suspension of the petitioner.
- (b) The respondents shall also take into consideration that the allegation is between the husband and wife and subsequently, they are living together.
- (c) For the period of suspension, since no subsistence allowance is paid, the same shall be calculated and paid to the petitioner.

The above exercise of passing orders regarding revocation of suspension as well as payment of subsistence allowance shall be carried out by the respondents within a period of four weeks from the date of receipt of a copy of the order. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2024

cda
Index : Yes
Speaking Order



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To

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W.P.No.11247 of 2024

D.BHARATHA CHAKRAVARTHY, J.,

cda

W.P.No.11247 of 2024

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