



WEB COPY



W.P.No.36853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.36853 of 2024 &
W.M.P.Nos.39797 and 39798 of 2024

J.Shanmuga Priya

Versus

... Petitioner

The Additional Chief Secretary /
Commissioner of Revenue Administration
and Disaster Management,
Chepauk, Chennai – 600 005

...Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus by calling for the records relating to the order of the respondent in Proc.No.OP1(1)44863/2018 dated 29.11.2024 to quash the same and to consequently direct the respondent to forthwith reinstate the petitioner back in service with all service and attendant benefits thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondent : Mr.Stalin Abhimanyu
Additional Government Pleader



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ORDER

This petition is filed for issuance of a Writ of Certiorarified Mandamus by calling for the records relating to the order of the respondent in Proc.No.OP1(1)44863/2018 dated 29.11.2024 to quash the same and to consequently direct the respondent to forthwith reinstate the petitioner back in service with all service and attendant benefits thereto.

2. According to the petitioner, she was selected and appointed as Assistant vide proceedings of the respondent made in Se.Mu.A.No.1(1)/44863/2018 dated 09.11.2018 pursuant to which, she joined the duty on 19.11.2018 and was placed on probation in and by proceedings dated 13.01.2020 and her services came to be regularised. While discharging her duties as an approved probationer in the post of Assistant, on false implication as if there had occurred criminal conspiracy and malpractice, the Crime Branch, CID had alleged offences under Sections 465, 468, 471 and 120B of IPC. Subsequently a charge memo came to be issued under Section 17(b) and the petitioner produced a reply refuting the charges. Further, the departmental proceedings have been put on hold in view of the fact that



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criminal prosecution is yet to arrive at its logical conclusion. In the meantime, a suspension order came to be challenged in W.P.No.22608 of 2021, wherein this Court, by order dated 25.10.2021 directed the authorities to consider the reinstatement to a non-sensitive post. While the matter stood thus, an order of removal from service dated 29.11.2024 has been served on the petitioner, challenging the same, the petitioner has come up with this petition.

3. The learned Additional Government Pleader appearing for the respondent would submit that on 05.12.2024, vide proceedings in No.OP1(1)/44863/2018 had stated that the petitioner was recommended to be removed from service and removed from service on 29.11.2024, and as per instructions by the Government in D.O.Letter No.16884/Ser6(1)/2024-1, Revenue and Disaster Management Department dated 11.11.2024, the Government in Proc.No.OP1(1)/44863/2018 dated 05.12.2024, indicated as follows:-

“As per the instruction of the Government vide D.O. Letter No.16884/Ser6(1)/2024-1, Revenue and Disaster Management Department, this Commissionerate had removed Tmt.J.Shanmugapriya vide Proc.No.OP1(1)/44863/2018 dated 29.11.2024.



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This Order dated 29.11.2024 is superceded and it is hereby recalled. Appropriate departmental action is being contemplated against Tmt.J.Shanmugapriya, a thorough enquiry will be conducted, after giving a full opportunity to Tmt.J.Shanmugapriya.”

and as per the same, the Order dated 29.11.2024 has been recalled hence, the present Writ Petition has become infructuous.

4. On hearing the averments on either side and on perusal of the the records produced by the Government it is seen that the order dated 29.11.2024, terminating the petitioner has been recalled by order dated 05.12.2024 and hence nothing survives for further adjudication. The respondent is directed to proceed further in the manner known to law and conclude the enquiry within a period of three months, on or before April, 2025. The Crime Branch, CID shall furnish the necessary documents if needed by the respondent and copies to be served to them in advance in order to proceed further in the manner known to law by holding appropriate enquiry against the appropriate persons, who are said to be accused. The trial court [Crime Branch, CID] shall complete the trial preferably within a period of one year from the date of receipt of copy of this order.



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In the result, the Writ Petition is dismissed as infructuous.

Consequently, connected miscellaneous petitions are closed. In view of recalling the termination order dated 29.11.2024, on 05.12.2024, the petitioner shall be permitted to join the duty. No costs.

06.12.2024

Index : Yes/No
Internet: Yes / No
Speaking order : Yes/No
ssd

To

The Additional Chief Secretary /
Commissioner of Revenue Administration
and Disaster Management,
Chepauk, Chennai – 600 005



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V.BHAVANI SUBBAROYAN, J.

ssd

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