



W.P.(MD).No.12401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12401 of 2024

and

W.M.P.(MD)No.10984 of 2024

M.Selvi

...Petitioner

Vs

1.The Director of Integrated Child Development
Services Project,
O/o. The Director of Integrated Child Development
Services Project,
Pammal Nallathambi Street, Periyar Nagar,
Tharamani, Chennai.

2.The District Programme Officer,
Integrated Child Development Services Project,
Office of the District Project Officer,
Thoothukudi District.

3.The Project Officer of Integrated Child Development
Services Project,
Thoothukudi Rural, Pudukkottai,
Ottapidaram Block, Thoothukudi District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the second respondent herein to revoke the suspension order issued against the petitioner vide his proceedings in Se.Mu.Na.Ka.24/A1/2023 dated 04.01.2023 and to pay subsistence allowance from the date of suspension from 04.01.2023 until revocation of suspension as per G.O.Ms.No.151, Social Welfare and Noon Meal Programme (SWDI) Department dated 11.08.2023 and by considering the representation of the petitioner dated 02.02.2024 within the time stipulated by this Court.

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.P.Banuprasath, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

2. By consent of both the parties, this writ petition is taken up for final disposal.



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3. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the second respondent herein to revoke the suspension order issued against the petitioner vide his proceedings in Se.Mu.Na.Ka.24/A1/2023 dated 04.01.2023 and to pay subsistence allowance from the date of suspension from 04.01.2023 until revocation of suspension as per G.O.Ms.No.151, Social Welfare and Noon Meal Programme (SWDI) Department dated 11.08.2023 and by considering the representation of the petitioner dated 02.02.2024.

4. Mr.P.Banuprasath, learned counsel for the petitioner submitted that the petitioner, who is working as an Anganwadi Assistant, was facing a criminal case, on account of the complaint lodged by one of her family members, pursuant to which, the petitioner was placed under suspension since 04.01.2023 till date. The grievance of the petitioner is that though she was placed under suspension for more than one year, the respondents have not proceeded with the enquiry.



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5. Mr.P.Banuprasath, learned counsel for the petitioner by relying upon the letter issued in G.O.Ms.No.151 Social Welfare and Noon Meal Programme (SWDI) Department-1/2003-1, dated 11.08.2003 submits that the petitioner, who is working as Anganwadi Assistant is entitled for subsistence allowance as per the aforesaid Government Order. However, she was not paid with the subsistence allowance. In this regard, the petitioner preferred a representation dated 02.02.2024 to the respondents and they did not consider the same. Hence, the petitioner approached this Court by way of filing this Writ Petition.

6. As per the dictum laid down by the Hon'ble Supreme Court in the case of *Ajaykumar Choudhary Vs Union of India* reported in (2015) 3 CTC 119 (SC), every suspension order has to be periodically reviewed and the order cannot be extended beyond three months without even issuing any charge memo for further proceedings. In the instant case, despite the petitioner was placed under suspension from 04.01.2023 and so far no charge sheet has been issued. Neither any order was passed for extending the suspension by making any periodical review nor any charge memo was issued. In fact, the case, which has been registered



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against the petitioner was not connected to his official duties. It is in respect of some property dispute between his family members and one third party, who has filed the complaint. However, the respondent authorities did not consider these aspects and continue to place the petitioner under suspension which in my considered view is not legal.

7. In view of the same, this Writ Petition is allowed and the respondents are directed to consider the representation of the petitioner dated 02.02.2024 and pass orders for revoking the suspension and to reinstate him in to service. The respondents are also directed to pay the subsistence allowance to the petitioner for the period which he was kept under suspension. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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