



W.P(MD)No.19255 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19255 of 2022 and
WMP(MD) No.14046 of 2022

E.Uma

... Petitioner

Vs

District Backward Classes,
and Minority Welfare Officer,
District Backward Classess and Minority Welfare Office,
Tenkasi, Tenkasi District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the respondent in proceedings P1/479/2021 dated 19.10.2021 and quash the same as illegal and direct the respondent to re-instate petitioner as cook in her earlier working place by considering her representation dated 28.06.2022.

For Petitioner	: Mr.Aayiram.K.Selvakumar
For Respondent	: Mr.G.V.Vairam Santhosh
	Additional Government Pleader



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ORDER

The petitioner, a Cook, working in the Government College Girls Hostel (BC) Sankarankovil was placed under suspension under Rule 17(e) of Tamil Nadu Civil Service (Discipline and Appeal) Rules, in proceedings in P1/479/2021, dated 19.10.2021, by the District Backward Classes and Minorities Welfare Officer, Tenkasi that a criminal case in Crime No.334 of 2021, for the offences punishable under Sections 120b, 109 and 302 IPC has been registered as against this petitioner by the Uthumalai Police Station. Challenging the same, the petitioner has filed this writ petition.

2.The learned counsel appearing for the petitioner submits that the petitioner was suspended from service in the year 2021 and the respondents have not reviewed the order of suspension as per the Government order in G.O.(Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022. The learned



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counsel further submits that in the aforesaid Government Order, the Government has issued certain guidelines, pursuant to the order passed by the Honourable Division Bench of this Court in WA.No. 646 of 2021, dated 15.09.2021, for reviewing the orders of suspension. Therefore, according to the learned counsel the prolonged order of suspension as against this petitioner needs to be reviewed by the respondent as per the above Government order. The learned counsel further submits that the petitioner has been placed under suspension, based on a criminal case, which was registered as against this petitioner in Crime No.334 of 2021 and the same is still pending at the stage of investigation.

3.The Additional Government Pleader appearing for the respondent submits that

- i. A criminal Case in Crime No.334 of 2021, for the offences punishable under Sections 120b, 109 and 302 IPC on the file of the Uthumalai Police Station, Tenkasi District has been registered as against this petitioner and she was



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arrested and remanded to judicial custody for more than 48 hours on account of the said criminal case.

- ii. On her confinement in prison for more than 48 hours, she was placed under suspension on 19.10.2021, by the order impugned in this writ petition.
- iii. The respondents are entitled to suspend the petitioner as per the Rule 17(e) of Tamil Nadu Civil Service (Discipline and Appeal) Rules.
- iv. The criminal case, which has been registered as against this petitioner was also charge sheeted and now pending before the Additional District Court, Tenkasi in SC No.272 of 2022.
- v. The learned Additional Government Pleader has relied on the following judgments in support of his contentions:-
 - a) ***E.S.Mathiyan Vs. the Joint Director of Medical and Rural Health Services and Family Welfare***, reported in ***2011 (2) LLN 785 (Mad)***.
 - b) ***M.Rajammal Vs. Principal District Judgment*** reported in ***2009 (4) MLJ 212***.



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- c) ***D.Gunasekaran Vs. Chief Educational Officer***, reported in ***2007 (1) MLJ 457.***
- d) ***S.Jeyasing Rajan Vs.President, Kalloorani Panchayat*** reported in ***2006 (4) MLJ 59.***

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The Petitioner was arrested in connection with a case in Crime No.334 of 2021, for the offences punishable under Sections 120b, 109 and 302 IPC on the file of the Uthumalai Police Station, Tenkasi. Since this petitioner was arrested and confined in prison for more than 48 hours, the petitioner was placed under suspension by the respondent, by his order, dated 19.10.2021. Though the petitioner was suspended pursuant to certain grave charges contemplated as against her, the respondents have not issued any charge memo as against this petitioner. The learned Additional Government Pleader submits that in view of the pendency of this writ petition, they have not issued any charge



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memo. It is also reported that the criminal case, in which the petitioner is an accused has been charge sheeted and the same is pending trial before the Additional District Court, Tenkasi in SC No. 272 of 2022. It is to be noted that pursuant to the order passed by the Honourable Division Bench of this Court in WA.No.646 of 2021, dated 15.09.2021, the Government has issued certain guidelines in G.O.(Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022 in respect of the time limit for finalization of disciplinary proceedings and reviewing the suspension orders pending enquiry into grave charges. The petitioner claims that she falls under category No.10.

6.Since the Government has already issued certain guidelines for reviewing the suspension orders pending grave charges, this writ petition is disposed of with a direction to the respondent to consider the case of this petitioner in the light of the guidelines issued in G.O.(Ms)No.81, Human Resources Management (N) Department, dated 04.08.2022. No costs.



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Consequently, connected Miscellaneous Petition is closed.

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NCC:Yes/No

Index:Yes

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To

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and Minority Welfare Officer,
District Backward Classess and Minority Welfare Office,
Tenkasi, Tenkasi District.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.19255 of 2022 and
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