



WEB COPY



W.P.No.10794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6/3/2025

C O R A M

The Hon'ble **Mrs.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.10794 of 2023

a n d

W.M.P.No.10735 of 2023

E. Kalaiselvi

...

Petitioner

Vs

The Personal Assistant
to The District Collector (Nutrition)
Collectorate Villupuram
Villupuram District.

...

Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the respondent pertaining to the impugned order passed in Na.Ka.No.3328/2021/BE4 dated 4/1/2023 and quash the same and consequently, direct the respondent to reinstate the petitioner in service with continuity of service, backwages and all other attendant benefits.



WEB COPY



W.P.No.10794 of 2023

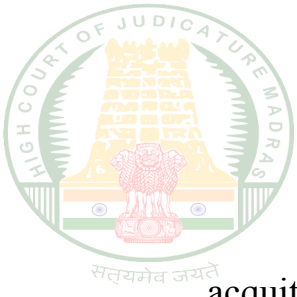
For petitioner	...	Mr.S.Anbazhagan
For respondents	...	Mrs.Meera Arumugam Additional Government Pleader

ORDER

This writ petition has been filed to quash the order dated 4/1/2023 passed in Na.Ka.No.3328/2021/BE4 and consequently, direct the respondent to reinstate the petitioner in service with continuity of service, backwages and all other attendant benefits.

2. The case of the petitioner in a nutshell are as follows:-

The petitioner was appointed as an Assistant Cook in Komalur Panchayat Union Middle School, Thirukoilur Panchayat Union in Kallakurichi District. While so, vide order dated 15/10/2018, the petitioner was placed under suspension on the ground that he was arrested and remanded to judicial custody in connection with a case in Crime No.844 of 2017 on the file of Thirukoilur Police Station, for the offences punishable under Sections 498 A and 302 of the Indian Penal Code.



W.P.No.10794 of 2023

WEB COPY

3. Once the arrested employee is released on bail or discharged or acquitted from the offence, the employer shall reconsider the deemed suspension order and revoke the same. Hence, made a representation to the respondent to reconsider the suspension period, revoke the same and provide employment, but the respondent did not consider the same. Hence, the petitioner has filed a writ petition in W.P.No.16153 of 2019 before this Court, challenging the suspension order of the respondent bearing Reference No.5765/2018/BE4 dated 15/10/2018. This Court, vide order dated 7/11/2022, directed the respondent to consider the case of the petitioner, as per Rules in force. Along with the order copy, the petitioner had approached the respondent on 12/12/2022 for review and revoke suspension order. Since, the same has not been considered, the petitioner has come forward with the instant writ petition.

4. The Personal Assistant to Collector, Villupuram has filed a counter affidavit, wherein it is stated that the petitioner was only placed under suspension and hitherto not taken any final decision against the petitioner. Criminal case under Sections 498 A and 302 of the Indian Penal Code are pending against the petitioner. The final departmental action will



be taken against the petitioner only based on the judgment going to be passed by the Criminal Court.

WEB COPY

5. Heard Mr.S.Anbazhagan, learned counsel for the petitioner and Mrs.C.Meera Arumugam, learned Additional Government Pleader for the respondent.

6. The learned counsel appearing for the petitioner would submit that the petitioner is entitled for subsistence allowance during the period of suspension and the same is protected under the Tamil Nadu Subsistence Allowance Act. Whereas, the respondent had denied the subsistence allowance and hence prays this Court to allow the writ petition.

7. The learned Additional Government Pleader appearing for the respondents would submit that as per Tamil Nadu Government Servants Conduct Rules, 1973, the petitioner was placed under suspension on 15/10/2018, vide, the Proceeding dated 15/10/2018 of the Personal Assistant (NMP) to Collector and the order of suspension was served to the petitioner directly in Central Prison of Cuddalore on 18/10/2018. A case in



W.P.No.10794 of 2023

S.C.No.1 of 2019 is pending before the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Villupuram, due to non-cooperation of the petitioner. Hence, prays this Court for the dismissal of the writ petition.

8. Perused the materials available on record.

9. It is an admitted fact that the Noon meal employees are part time permanent employees and they are not eligible for subsistence allowance. In the case on hand, the petitioner was appointed as an Assistant Cook in Komalur Panchayat Union Middle School. The petitioner was arrested on 30/9/2018 and the investigation is completed and a report was filed on 12/10/2018 before the Thirukoilur Criminal Court. The said case was taken up for hearing on 26/10/2018 and the case was filed in Mahila Court, Villupuram, in S.C.No.1 of 2019 and the same is pending till date for disposal on the file of the learned Principal District Judge, Villupuram. On 4/1/2019, six witnesses were examined and the case is pending at the trial stage for the examination of remaining witnesses, due to the non-cooperation of parties.



W.P.No.10794 of 2025

WEB COPY

10. Considering the fact that S.C.No.1 of 2019 is pending for more than five years and that the final department action will be taken against the petitioner only based on the judgment of the Principal District Judge, Villupuram, and further as there is no provision to pay subsistence allowance to the petitioner as the noon meal employees are part time permanent employees, this Court directs the learned Principal District Judge, Villupuram, to dispose of S.C.No.1 of 2019, as expeditiously as possible, preferably on or before 31st July, 2025.

11. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12. For reporting compliance, post during first week of August, 2025.

6/3/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No

6/8



W.P.No.10794 of 2023

To
WEB COPY

The Personal Assistant
to The District Collector (Nutrition)
Collectorate Villupuram
Villupuram District.



WEB COPY



W.P.No.10794 of 2023

V.BHAVANI SUBBAROYAN,J

mvs.

W.P.No .10794 of 2023

6/3/2025