

(2012) 09 MAD CK 0198
In the Madras High Court
Case No : Writ Petition No. 262 of 2012

M. Rajeshwari

APPELLANT

Vs

District Collector, Dharmapuri District, Dharmapuri and
Another

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 306

Citation : (2012) 7 MLJ 677

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : M.R. Sivakumar, R. Vijayakumar, Additional Government Pleader and
V. Subbiah, Special Government Pleader, for the Appellant;

Judgement

D. Hariparanthaman, J.—The petitioner was appointed as an Assistant in Children Welfare Centre, Mudhugampatti in Pennagaram Taluk, Dharmapuri District, by the second respondent by an order dated 8.9.1985. According to the petitioner, she was falsely implicated in the criminal case in Crime No. 11 of 1990 on the file of the Inspector of Police, Pennagaram, for the alleged offence punishable u/s 306 IPC.

2. While so, the petitioner was placed under suspension by the second respondent by an order dated 22.2.1990.

3. The petitioner was acquitted by the learned Chief Judicial Magistrate, Dharmapuri, by an order dated 4.3.2010 in Sessions Case No. 58 of 1997.

4. Based on the said acquittal, the petitioner made a representation, dated 22.3.2011, to the respondents to restore her to duty and she also enclosed the Judgment of the learned Chief Judicial Magistrate for their reference.

5. Since no order was passed by the respondents, the petitioner has filed this writ petition seeking a direction to the respondents to reinstate her in service as Assistant in Children Welfare Centre, Mudhugampatti, Pennagaram Taluk,

Dharmapuri, within a time frame.

6. The writ petition is taken up for final disposal, with the consent of both the parties.

7. The learned Special Government Pleader, who is appearing for R2, has made his submissions based on the instruction dated 30.8.2012, which is sent by the second respondent to him. He has submitted that the petitioner has crossed the age of superannuation. But, the same is contested by the learned counsel for the petitioner by producing ration card as well as voter identity card, which is issued by the Election Commission of India.

8. On a perusal of the records, it is seen that now the petitioner is aged about 51 years. In any event, it is for the respondents to refer the petitioner to the Medical Board to ascertain her age, if particularly, they are not inclined to accept the age of the petitioner as disclosed in the aforesaid two documents.

9. In my view, the petitioner was placed under suspension due to the pendency of the criminal case and admittedly, the criminal case has ended in acquittal. Hence, the petitioner has to be restored to service with all benefits and therefore, the respondents are directed to reinstate the petitioner in service with all benefits within a period of twelve weeks from the date of receipt of a copy of this order. On scrutiny, if the respondents come to the conclusion that the petitioner is beyond 58 years based on the medical reports or some other acceptable legal evidence, the respondents shall pay wages up to the date, on which the petitioner attained superannuation. The writ petition is disposed of on the above terms. No costs.