

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.19174 of 2015

K.Ramachandran

...Petitioner

vs.

1.The Director of Elementary School Education,
Government of Tamil Nadu,
College Road,
Chennai - 600 006.

2.District Elementary Educational Officer,
Ariyalur District,
Ariyalur.

3.Additional Assistant Elementary
School Officer,
Office of Elementary Education,
Andimadam - 621 801.
Ariyalur District.

4.The Head Master,
Andimadam Panchayat Union
Elementary School,
Therkkunatham,
Ayyur Post, Ariyalur District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the first respondent to pass appropriate orders for the regularization of the services of the respondent as the Junior Secondary Grade Assistant in Andimadam Panchayat Union School, pertaining to the period from 09.07.2008 to 25.10.2010, during which, the petitioner was kept under suspension, by considering his representation dated 14.03.2015, and consequently, direct the respondents to pay the petitioner all the amounts payable to him within a time frame as fixed by this Court.

For Petitioner : Mr.S.Subbiah

For Respondents : Mrs.M.E.Raniselvam,
Additional Government Pleader

O R D E R

Mrs.M.E.Raniselvam, learned Additional Government Pleader
takes notice for the respondents.

2. Seeking a direction to the first respondent to pass appropriate orders for the regularization of the services of the respondent as the Junior Secondary Grade Assistant in Andimadam Panchayat Union School, pertaining to the period from 09.07.2008 to 25.10.2010, during which, the petitioner was kept under suspension, by considering his representation dated 14.03.2015, and consequently, direct the respondents to pay the petitioner all the amounts payable to him within a time frame as fixed by this Court, the petitioner is before this Court with this writ petition.

3. The petitioner was a secondary Grade Teacher in the Andimadam Panchayat Union, Ariyalur District. A criminal prosecution was launched against the petitioner for offence under Section 306 I.P.C., due to the death of his wife on 09.07.2008. The criminal case was ended in acquittal.

4. During the pendency of the criminal case, the petitioner was placed under suspension, by an order dated 04.08.2008. Subsequently, the suspension order was revoked by the second respondent by an order dated 25.10.2010.

5. As stated above, the learned Principal District & Sessions Judge, Ariyalur acquitted the petitioner on 07.03.2013 in connection with the criminal case in S.C.No.51 of 2012.

6. In view of the same, I am of the view that, the petitioner is entitled to get salary for the period of suspension and the period of suspension shall be regularized as per the Fundamental Rules.

7. In this regard, a representation dated 14.03.2015 was sent by the petitioner to the respondents 1 to 3. The grievance of the petitioner is that so far, his representation dated 14.03.2015 has not been considered by the respondents 1 to 3.

8. In the result, the writ petition is disposed of with a direction to the first respondent to consider and pass orders on the representation of the petitioner dated 14.03.2015, in the light of the facts stated above, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Director of Elementary School Education,
Government of Tamil Nadu,
College Road,
Chennai - 600 006.

2.District Elementary Educational Officer,
Ariyalur District,
Ariyalur.

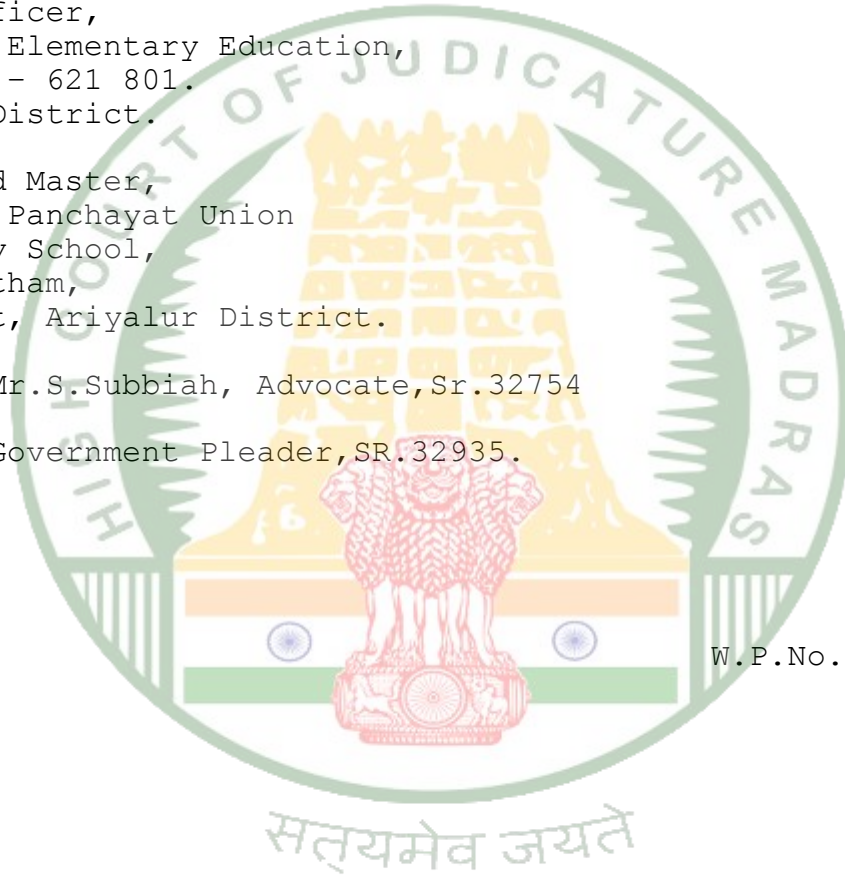
3.Additional Assistant Elementary
School Officer,
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Ariyalur District.

4.The Head Master,
Andimadam Panchayat Union
Elementary School,
Therkkunatham,
Ayyur Post, Ariyalur District.

+1 cc to Mr.S.Subbiah, Advocate,Sr.32754

+1 cc to Government Pleader,SR.32935.

Sr(co)
krd 10/7



W.P.No.19174 of 2015

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