

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.21596 of 2015

T.P.Ranganathan

...Petitioner

vs.

1.The Managing Director,
Tamil Nadu Housing Board,
493,Anna Salai, Nandanam,
Chennai - 600-035.

2.The Administrative Officer,
Tamil Nadu Housing Board,
Nandanam, Chennai -35.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondent to treat the period of suspension 09.06.2005 to 25.08.2006 as duty for all purpose and to pay difference in amount within a time frame in the light of judgment in W.P.No.32089 of 2015 dated 18.10.2012.

For Petitioner : Mr.T.Dharani

For Respondents : Mr.V.Anandamurthy

O R D E R

The petitioner was working as a Surveyor. While so, he was placed under suspension by the proceedings of the first respondent, dated 09.06.2005 alleging certain allegations against him. The disciplinary proceedings resulted in the imposition of punishment of 'Censure'. While imposing the punishment of 'Censure', vide order dated 25.08.2006, the first respondent held that the period of suspension could be treated as leave, to which the petitioner is eligible.

2. According to the learned counsel for the petitioner, since the petitioner was imposed with minor penalty, proceedings under Rule 17(b) is not warranted and in that case, no question of placing the Government employee under suspension would arise.

3. In support of his contention, the learned counsel relied on the judgments of this Court in W.P.No.32089 of 2004 dated 18.10.2012 [R.A.Ranjit Singh v. Government of Tamil Nadu and others] and W.P.No.6836 of 2007 dated 03.12.2014 [S.Chandrasekaran v. The Joint Director of Agriculture, Tiruchirapalli], wherein, it is held that

wherever minor penalty is imposed, the period of suspension could not be treated as leave, to which he is eligible and the period of suspension shall be treated as duty period.

4. The petitioner has made representation dated 21.10.2014 to the respondents to treat the period of suspension from 09.06.2005 to 25.08.2006 as duty for all purpose. Since no order is passed, the petitioner has come up with this writ petition.

5. I have considered the submissions made by the learned counsel on either side.

6. As rightly contended by the learned counsel for the petitioner, for imposition of minor penalty, treating the period of suspension as leave is not proper.

7. In view of the above, the writ petition is disposed of by directing the first respondent to consider the representation of the petitioner, dated 21.10.2014 and pass appropriate orders on merits and in accordance with law and more particularly, in the light of the aforesaid judgments of this Court, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600 035.

2. The Administrative Officer,
Tamil Nadu Housing Board,
Nandanam, Chennai -35.

1 cc to M/s.T. Dharani, Advocate, Sr. 36445

1 cc to M/s. V. Anandhamurthy, Advocate, Sr. 36708

W.P.No.21596 of 2015

ALA (CO)

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