



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.12944 of 2015

WEB COPY

A.Abdul Basheer

... Petitioner

Vs.

1.The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort, St.George, Chennai 600 009.

2.The District Elementary Educational Officer, Trichy.

3.The Headmaster,
Panchayat Union Primary School,
Vaiyampatti.

... Respondents

PRAYER:

Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to treat the period of suspension of the petitioner from 04.11.2006 to 12.12.2013 as on duty for all purposes in accordance with Fundamental Rule 54 (9) and pay the arrears of salary and other accrued allowance to the petitioner, within the time stipulated by this Court.

For Petitioner : Mr.P.Jayaprakash Narayan

For Respondents : Mr.V.Muruganandam, AGP

ORDER

The Writ petition has been filed to issue a Writ of Mandamus, directing the respondents to treat the period of suspension from 04.11.2006 to 12.12.2013 as on duty for all purposes in accordance with the Rule 54(9) of the Fundamental Rules and pay the arrears of salary and other accrued allowance to the petitioner, within a time frame.

2.Mr.V.Muruganandam, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

3.For treating the period of suspension as duty, it is represented by the learned Additional Government Pleader appearing for the respondents that the petitioner was facing criminal charges. The issue as to whether a Government servant is entitled for treating the period of suspension as duty, is to be considered by the respondents.



4. In view of the submission made, the 2nd respondent is directed to consider the representation of the petitioner, dated 12.09.2014, after affording an opportunity of being heard and pass orders on merits and in accordance with law, within a period of 2 months from the date of receipt of a copy of this order.

5. The Writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort, St. George, Chennai 600 009.

2. The District Elementary Educational Officer, Trichy.

3. The Headmaster,
Panchayat Union Primary School, Vaiyampatti.

+1 CC TO M/S. SPL. GOVT. PLEADER SR NO: 41976

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JAM/17.8.15/2P-5C