



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.08.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

WP (MD) No.13817 of 2015

M.Malaiyarasan

.. Petitioner

Vs.

1.The Principal Secretary to Government,
School Education Department,
Government of Tamilnadu,
Fort.St.George, Chennai - 600 009.

2.The Secretary
Tamilnadu Public Service Commission,
Frazer Bridge Road,
Chennai - 600 003.

3.The Director of School Education,
College Road, Chennai - 600 006.

4.The Chief Educational Officer,
Theni, Theni District.

5.The Enquiry Officer/Joint Director of
Higher Secondary school,
School Education Department, Chennai - 6.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned enquiry report dated 29.4.14 impugned proceedings of 2nd respondent in Lr.No. 8373/TCT-P2/2014-3 dated 25.5.15 giving consent for proposed punishment of petitioner and the impugned order of 1st respondent in G.O.(1D) No. 223 School Education (PaKa1(2) Department dated 1.7.15 and quash the same and consequently direct the respondents herein to disburse the entire retirement and pensionary benefits with all other service benefits and arrears of pension together with interest at 7.5% p.a. within a reasonable time.

For Petitioner : Mr.K.Appadurai

For RR - 1, 3 to 5 : Mr.N.S.Karthikeyan
Addl.Govt.Pleader

For R - 2 : Mr.K.K.Senthil



ORDER

This writ petition has been filed by Mr.M.Malaiyarasan challenging the impugned order of first respondent passed in G.O.(1D) No. 223 School Education (PaKal(2) Department dated 01.07.15 to quash the same with consequential direction against the respondents to disburse the entire retirement and pensionary benefits with all other service benefits and arrears of pension together with interest at 7.5% p.a. within a reasonable time.

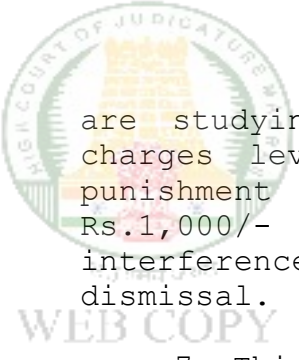
2. Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for the respondents 1, 3 and 5 and Mr.K.K.Senthil, learned counsel takes notice for the second respondent.

3. By consent, this writ petition is disposed of at the stage of admission.

4. The learned counsel appearing for the petitioner would submit that the petitioner who was appointed as PG Assistant, Tamil at Devangar Higher Secondary School, a Government Aided School at Chinnalapatti on 13.10.1980, again was appointed on selection as PG Assistant, Tamil by the Tamilnadu Public Service Commission on 22.10.1986. Thereafter, his service was regularised on 22.10.1986 and he was awarded with selection grade on 01.02.1991 and special Grade on 01.02.2001 and on this background, he was further promoted as Headmaster on 24.08.2007. Later on he was posted at Government Higher Secondary School, Kadamalaikundu, Theni District. When he was about to retire from service on 30.09.2011, he has given a representation for his reemployment till the end of academic year upto 31.05.2013. Just ten days prior to the date of his retirement he was again transferred to Higher Secondary School at Allinagaram, Theni and just five days prior to his retirement, he was issued with a charge memo by the third respondent on 25.09.2012. That has ultimately reached its conclusion in the impugned order. In and by which, the first respondent has come forward to deduct Rs.1,000/- from his pension. The petitioner was found guilty for the charges mentioned in the charge memo and for which, the first respondent has come to the conclusion that Rs.1,000/- should be withheld for a period of two years by way of punishment.

5. Assailing the conclusions reached by the first respondent, the learned counsel appearing for the petitioner would submit that several charges were levelled against the petitioner alleging that he has received donation and other fees from the students and as a result, he has committed misconduct. The petitioner both in his explanation as well as before the Enquiry Committee has explained that after receiving donation and other fees allowed by the respondent/department, all of them have been deposited in the Government treasury. But these things have been completely overlooked by the Enquiry officer and when the same was also brought to the notice of the Disciplinary authority before passing the impugned order, even the Disciplinary authority has completely lost sight of that. Therefore, the impugned order is liable to be set aside.

6. This Court finds no justification on merits in the Writ petition. The reason is that the act of collecting donation from the students who



are studying in a Government school itself clearly proves that the charges levelled against the petitioner are proved. That apart, the punishment imposed against the petitioner namely, withholding of Rs.1,000/- per month for a period of two years, does not warrant interference and therefore, the writ petition fails and the same deserves dismissal.

7. This writ petition is dismissed. No costs. Connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
School Education Department,
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Fort.St.George, Chennai - 600 009.

2.The Secretary
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4.The Chief Educational Officer,
Theni, Theni District.

5.The Enquiry Officer/Joint Director of
Higher Secondary school,
School Education Department, Chennai - 6.

+1cc to Mr.K.K.Senthil, Advocate SR.No.44118

+1cc to Mr.K.Appadurai, Advocate SR.No.43792

+1cc to Special Government Pleader, Madurai Bench of
Madras High Court, Madurai. SR.No.44246

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04.08.2015

mj

NS/18.08.2015 : 3P/9C