

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20415 of 2016

G.Justus Abraham Devasagayam

.. Petitioner

vs

1. The Joint Director of School Education
(Personnel), Directorate of School
Education, Chennai 600 006.

2. The Chief Educational Officer
Thiruvallur 602 001.

3. The Headmaster
Aringar Anna Government High School
Poonamallee, Chennai 600 056.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to treat the period of suspension from 27.12.2008 to 06.07.2011 as duty for all purposes and to consequently to direct the first respondent to grant full salary and allowance for the suspension period as per Rule 54(B) of the Fundamental Rules within a stipulated time.

For Petitioner : Mr.E.Maharajan

For Respondents: Mr.P.Chinnadurai
Government Advocate

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. Mr.P.Chinnadurai, the learned Standing Counsel takes notice on behalf of the respondents.

3. The prayer in the writ petition is for the issuance of writ of mandamus to direct the first respondent to treat the period of suspension from 27.12.2008 to 06.07.2011 as duty for all purposes and to consequently to direct the first respondent

to grant full salary and allowance for the suspension period as per Rule 54(B) of the Fundamental Rules within a stipulated time.

4. The case of the petitioner is that while he was in service, a criminal case was foisted against him under the Immoral Trafficking Act and consequent to the same, he was suspended from service. However, in the Criminal Case filed against him, he was acquitted of the charges vide order of this Court dated 27.11.2015 in CrI.R.C.No.206 of 2014. Pursuant to the acquittal order passed by this Court, he sent a representation to the respondents dated 09.05.2016 seeking to consider his period of suspension from 27.12.2008 to 06.07.2011 as duty for all purposes and to consequently to direct the first respondent to grant full salary and allowance for the said period. Since, the same was not considered till date, the petitioner is before this Court.

5. The learned Government Advocate appearing on behalf of the respondents would submit that the respondents will consider the representation of the petitioner dated 09.05.2016, in the light of the order passed by this Court in the Criminal Revision case.

6. Taking into consideration the fact that in the criminal case, the petitioner was acquitted of all the charges, the first respondent is directed to consider the representation of the petitioner, dated 09.05.2016, in the light of the judgment of this Court dated 27.11.2015 passed in the Criminal Revision Case and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Joint Director of School Education,
(Personnel), Directorate of School,
Education, Chennai 600 006.

2. The Chief Educational Officer,
Thiruvallur 602 001.
3. The Headmaster,
Aringar Anna Government High School,
Poonamallee, Chennai 600 056.

+1cc to Mr.E.Maharajan, Advocate Sr.33491

W.P.No.20415 of 2016

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srg 24/06/2016



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