

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5529 of 2017

S.Ramkumar

.. Petitioner

-vs-

1.The Director of Elementary Education,
Directorate of Elementary Education,
(College Road), Chennai - 600 006.

2.The District Elementary Education Officer,
O/o.The District Elementary Education Officer,
Tiruppur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 05.04.2016 sent through proper channel regarding regularizing the period of suspension from 28.03.2015 to 10.01.2016 as period spent on duty with full pay and allowances to the petitioner as per FR 54-B-1(3) and FR 54-B-1(4).

For Petitioner : Mr.Selvathirumurugan

For Respondents: Mr.V.Anandhamoorthy
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 05.04.2016 for regularizing the period of suspension from 28.03.2015 to 10.01.2016 as period spent on duty with full pay and allowances to the petitioner as per FR 54-B-1(3) and FR 54-B-1(4).

2.Heard the learned counsel appearing for the petitioner. Mr.V.Anandhamoorthy, learned Additional Government Pleader takes notice on behalf of the respondents.

3.Learned counsel appearing for the petitioner would submit that the petitioner having been appointed as Junior Secondary Grade Teacher on consolidated pay of Rs.3,000/- per month on 20.10.2005, was given the benefit of regularization with effect from 01.06.2006 and thereupon, the petitioner was posted at Panchayat Union Middle School, K.Vallakundapuram, Udumalpet Taluk, Tiruppur District. Sadly, due to personal grudge of his colleagues, a false criminal case was foisted against him under the Protection of Children from Sexual Offences Act, 2012 on 27.03.2015. Pursuant to that, the petitioner was arrested and remanded to judicial custody on 28.03.2015. Consequently, he was placed under suspension by the second respondent on 28.03.2015. Thereafter, the petitioner was released on bail as per the order passed in CrI.O.P.No.10273 of 2015 dated 13.05.2015 and in the meanwhile, he was issued with a charge memo dated 20.05.2015 on the same set of allegations contained in the charge sheet filed before the Mahila Court in S.C.No.27 of 2015. Subsequently, after a full fledged trial, the petitioner was acquitted by judgment dated 14.12.2015. Pursuant to the order of acquittal passed by the Criminal Court, the second respondent also passed an order revoking the suspension and reinstating the petitioner in duty on 08.01.2016, directing him to work in Mavaduppu Panchayat Union Elementary School. It is also stated that after sometime, the charges memo issued against the petitioner was also recalled by dropping the charges by order dated 07.03.2016. Therefore, the grievance of the petitioner in the above said facts is to regularize the period of suspension as per FR 54-B-1(3) and FR 54-B-1(4). Since the petitioner's representation dated 05.04.2016 submitted to the first respondent has not been properly considered, the petitioner has come to this Court seeking a direction to consider the same.

4.Learned Additional Government Pleader appearing for the respondents contended that the charges levelled against the petitioner were not dropped and therefore, it is not open to the petitioner to ask for regularization of the period of suspension. He would further submit that suspension alone was recalled and subsequently, the petitioner was reinstated in service. He would also submit that the proceedings dated 07.03.2016 issued by the second respondent clearly shows that the charges levelled against the petitioner are being considered for revocation.

5.In that view of the matter, it is for the first respondent to take a final call on the petitioner's representation dated 05.04.2016 and pass appropriate orders on merits and in accordance with law, preferably, within a period of eight weeks

from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse

To

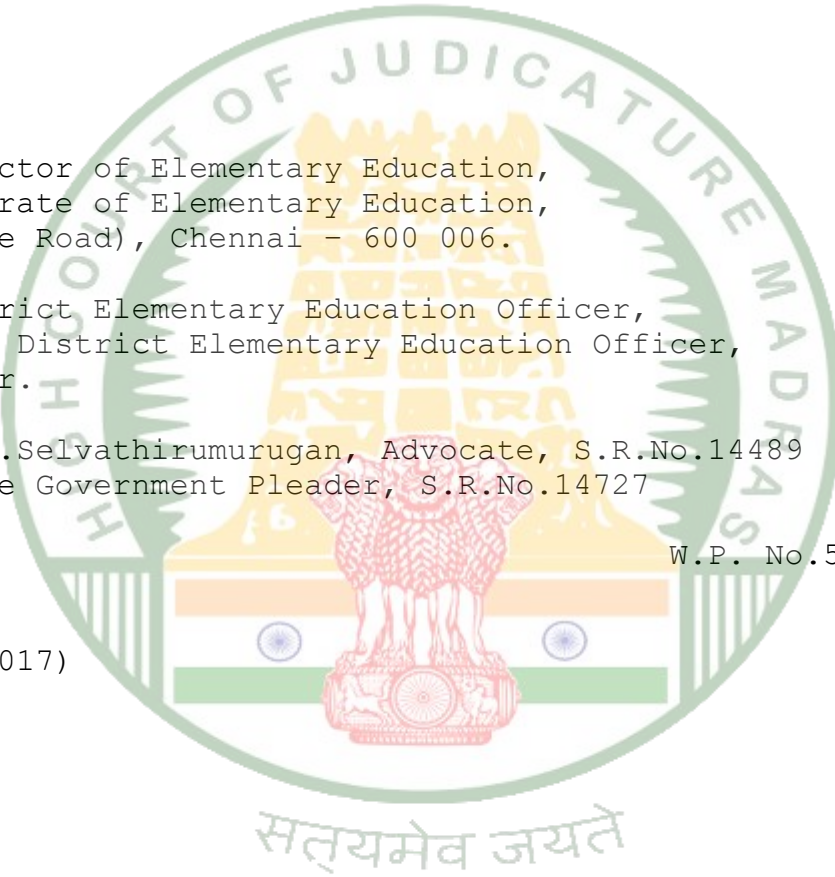
1. The Director of Elementary Education,
Directorate of Elementary Education,
(College Road), Chennai - 600 006.
2. The District Elementary Education Officer,
O/o. The District Elementary Education Officer,
Tiruppur.

+1cc to Mr. Selvathirumurugan, Advocate, S.R.No.14489

+1cc to the Government Pleader, S.R.No.14727

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RSK(CO)
RS(07/03/2017)



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