

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8608 of 2017

M.Bosco

.. Petitioner

-vs-

1. The District Collector
Salem District
Salem

2. The Commissioner
Panchayat Union
Yercaud
Salem District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pass orders on the representation dated 11.03.2015 made by the petitioner regarding to regularize the suspension period from 08.12.2010 to 18.05.2011 and to give periodical increments from 01.10.2010.

For Petitioner :: Mr.H.Adaikala Arockiaraj

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader for R1
Mr.P.Chinnadurai for R2

ORDER

The petitioner was placed under suspension on 8.12.2010. Challenging the suspension order, he came to this Court with W.P.No.799 of 2011 and this Court by order dated 8.3.2011, directed the District Collector, Salem to consider the representation in accordance with law and in the light of Rule 17(e)(6) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules within eight weeks. Only thereafter, the suspension was revoked and he was reinstated in service on 19.5.2011.

Thereafter an audit inspection took place and after completion of the audit inspection, a report was also submitted in the month of December, 2014 observing that the enquiry to be conducted at the earliest and to regularize the suspension period from 8.12.2010 to 18.5.2011 so as to give the periodical increments. On the basis of the same, the petitioner has given his representation on 12.3.2015 to regularize his suspension period from 8.12.2010 to 18.5.2011 and also to give periodical increments at the earliest possible time. But in the present case, the disciplinary proceedings initiated against the petitioner have not come to an end. Therefore the representation given by the petitioner on 12.3.2015 based on the audit report to regularise his suspension cannot be answered. Inasmuch as the disciplinary proceedings have not come to an end, the direction sought for before me to direct the respondents to regularise the suspension period cannot be answered in his favour. Hence the writ petition is dismissed. However, it is open to the disciplinary authority to pass appropriate orders after the disciplinary proceedings are over. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Collector
Salem District
Salem

2. The Commissioner
Panchayat Union
Yercaud
Salem District

+1CC TO MR.H.ADAIKALA AROKIJARAJ, ADVOCATE SR.NO.22512/17

+1CC TO MR.P.CHINNADURAI, ADVOCATE SR.NO.21755/17

+1CC TO THE GOVERNMENT PLEADER SR.NO.22089/17

W.P.No.8608 of 2017

SDR 24.04.2017