



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.08.2017

CORAM
THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P. (MD) .No.19135 of 2016
and
W.M.P. (MD) Nos.13816 to 13818 of 2016,
280 & 281 of 2017

P.Dennis

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Valliyoore, Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order of suspension issued by the second respondent herein in R.C.No.012807/I4/2016 dated 24.05.2016 and his consequential proceedings in retaining the petitioner in service in R.C.No.12807/I4/2016 dated 30.05.2016 and his subsequent issuance of impugned charge memo in Na.Ka.No.012807/I4/2016 dated 09.11.2016 and quash the same.

(Prayer Amended vide Court order dt 07.06.2017 in WMP(MD).279/17)

For Petitioner
For Respondents

: Mr.E.V.N.Siva
: Mr.R.Karthikeyan
Additional Government Pleader

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

<https://hcservices.courts.gov.in/hcservices/courts/signatures>
2. The present Writ Petition is directed against three orders namely the order of suspension dated 24.05.2016, order of



retention dated 30.05.2016, retaining the petitioner in service as per Rule 56 (1) (c) of F.R. and the Charge Memo dated 09.11.2016.

3.The petitioner, while serving as the Assistant Elementary Educational Officer at Valliyoor, received a proposal from Hindu Primary School, Pillayar Kudiiruppu, claiming certain arrears of salary of the Head Master of the said school namely, Thiru.S.P.Ruban, and also one Tmt.P.Valli, Secondary Grade Teacher from T.D.T.A. Primary School, Reshmiyapuram. The petitioner, finding merits in the said proposals had passed an order releasing the arrears of salary from 01.05.2003 to 24.06.2005 in favour of Thiru.S.P.Ruban and from 02.06.2006 to 20.06.2011 in favour of Tmt.P.Valli.

4.In respect of Thiru.S.P.Ruban and Tmt.P.Valli, a sum of Rs.16,97,666/- and Rs.15,24,859/- respectively, were released by the petitioner. Hence, the petitioner was charge sheeted on the ground that the aforementioned amounts were released in violation of the instructions of the Director dated 22.04.2016 and an order of suspension dated 24.05.2016 was passed. Subsequently, since the petitioner was about to reach the age of superannuation on 31.05.2016 the retention order dated 30.05.2016 was passed under F.R. 56 (1) (c), retaining the petitioner in service for the purpose of continuing the department proceedings. Hence, the petitioner has come forward with the present writ petition.

5.This Court deems fit to direct the Disciplinary Authority to expedite enquiry and pass appropriate orders.

6.Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents sought for only four months time to complete the entire exercise.

7.Therefore, the Disciplinary Authority is hereby directed to complete the enquiry by passing a final order within a period of four months from the date of receipt of a copy of this order.

8.This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

<https://hccourtsecretoarys.gov.in/>
The Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai - 600 009.



2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Valliyoor, Tirunelveli District.

+1cc to Mr.E.V.N.SIVA,Advocate,SR.71204

W.P. (MD) .No.19135 of 2016
07.08.2017

MR

KK/SV MMS/SAR 4/29.08.2017/ 3P- 6C