

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T. SELVEM
AND
THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.509 of 2018

V.S. Krishnamoorthi

.. Petitioner

Vs

1. The Registrar General,
Madras High Court,
Chennai 600104.

2. The Principal District Judge,
(Disciplinary Cum Appointing Authority)
Thiruppur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to call for the record in impugned order passed by the second respondent in D.No.3 of 2014 dated 03.04.2017 and quash the same in respect of treating of suspension period as "Extraordinary Leave without pay and allowances" as illegal and unjust and further direct the respondent to pay full and allowances to which he would have been entitled to the suspended period on the period as duty.

For Petitioner : Mr.J. Stalin

For Respondents : Mr.A. Durai Eswar

O R D E R

[Order of the Court was delivered by N. SATHISH KUMAR, J.]

The writ petition is filed challenging the order of the Disciplinary Authority treating the suspension period of the writ petitioner as "Extraordinary Leave without pay and allowances". Originally the charges were framed against the writ petitioner for misbehaving with advocate clerk which culminated into framing of charges. During the Disciplinary

Enquiry Proceedings the writ petitioner was placed under suspension. Proper enquiry has been conducted by the Enquiry Officer and enquiry findings were given to the Disciplinary Authority holding that the charge against the delinquent has not been proved. The Disciplinary Authority on perusing the above report, accepted the finding of the Enquiry Officer and finally concluded that the charges have not been proved, however, held that the suspension period should be treated as Extraordinary Leave without pay and allowances.

2. We are of the view that the said conclusion arrived by the Disciplinary Authority is against the fundamental rules. Once the charge has not been proved and the delinquent is relieved from Disciplinary Authority, he cannot be deprived of his legitimate pay and allowances. In such a view of the matter, the order passed by the second respondent treating the period of suspension as Extraordinary Leave without pay and allowances is liable to be interfered with and the same is hereby set aside. We direct the respondents to pay full allowance, treating the period of suspension as duty period, forthwith.

3. The writ petition is allowed with the above observation. No costs.

Sd/-
Asst.Registrar (CS V.)

/true copy/

Sub Asst. Registrar

ggs

To

1. The Registrar General,
Madras High Court,
Chennai 600104.

2. The Principal District Judge,
(Disciplinary Cum Appointing Authority)
Thiruppur District.

+1cc to Mr.M.Mohamed Saifulla, Advocate sr.no.19373

W.P.No.509 of 2018

nr 25/04/2018