

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.A.No.2463 of 2013
& M.P.No.1 of 2013

The Secretary, Adaikalasamy Aided
Primary School,
Viswanathapuram,
Tirvidaimaruthoor,
Tanjore District. ... Appellant

Vs.

1.M.Senthilkumar
2.The District Elementary Educational Officer,
Tanjore District,
Tanjore. ... Respondents

Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 14.09.2009 passed in W.P.No.2862 of 2004 as confirmed by the order passed in Review Petition No.130 of 2009 dated 27.06.2012, Praying to review the order dated 14.02.2019 made in WP.no.2862 of 2004 , to issue a Writ of Certiorari to call for the records relating to the impugned order of the Second Respondent in proceedings No.Nil dated and quash the same.

For Appellant : Mr.S.N.Ravichandran

For respondents : No appearance for R1
Mr.P.Raja, Government Advocate
for R2

JUDGMENT

(Judgment of the Court was made by M.M.SUNDRESH,J.)

This appeal is directed against the order of the learned single Judge, who was pleased to allow the writ petition holding that inasmuch as there is no approval for the extension of suspension, the same cannot be sustained in the eye of law.

2. The learned counsel appearing for the appellant would submit that the issue is only with respect to the payment of the salary and other benefits for the interregnum.

3. We are not inclined to allow the writ appeal. It is a mistake committed by the appellant and therefore, the appellant is the one, who has to bear the consequence. We do not find any error in the reasoning of the learned single Judge on merit. Admittedly, the statutory prescription requiring sanction/permission has not been obtained while continuing with the suspension. Therefore, it appears that the private respondent has already been reinstated. Thus, we do not find any merit in this writ appeal and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/--

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

raa

To

1.The District Elementary Educational Officer,
Tanjore District,
Tanjore.

+1cc to Mr. S.N.Ravichandran, Advocate SR.No. 87006

+1 CC TO GOVERNMENT PLEADER SR.NO. 87489

+1cc to Mr. A.Palaniappan, Advocate SR.No. 87826

W.A.No.2463 of 2013

A.SK(12/02/2019)