

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.04.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8647 of 2018
and
W.M.P.No.10578 of 2018

Dr.C.R.Gladys Leema Rose .. Petitioner

Versus

1. The Vice Chancellor Committee,
Bharathiar University,
Coimbatore - 641 046.

2. The Registrar,
Bharathiar University,
Coimbatore - 641 046.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to regularise the petitioner's suspension period from 30.08.2015 to 11.10.2015 with all attendant benefits accrued at all, less the subsistence allowance paid to the petitioner while on the suspension period.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.V.Selva Raj

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to regularise the period of suspension from 30.08.2015 to 11.10.2015 with all attendant benefits.

2. The learned counsel for the petitioner states that on account of the initiation of disciplinary proceeding, the writ petitioner was placed under suspension in proceeding dated 13.08.2015. The order of suspension was revoked in W.P.No.30868

of 2015 dated 05.10.2015. Thereafter, the disciplinary authority proceeded with the departmental disciplinary proceedings and the enquiry officer submitted his report on 04.01.2018. However, the disciplinary authority has not passed final orders in the departmental disciplinary proceedings.

3. The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is due to retire from service in the month of April 2018. Therefore, there is an urgency in disposal of the disciplinary proceedings since in the event of pending disciplinary proceedings, the writ petitioner may not get that pensionary and terminal benefits.

4. The fact remains that the enquiry officer concluded the enquiry proceedings and submitted his report on 04.01.2018. Thereafter, the writ petitioner has to submit her further explanation on the enquiry report and a final decision is taken by the disciplinary authority and on merits and in accordance with law only after the final order is passed then alone the period of suspension shall be regulated in accordance with the rules. Even a period of suspension can be regulated or dealt with only after passing final order in the disciplinary proceedings.

5. This being the factum of the case, the respondents are directed to conclude the departmental disciplinary proceedings in all respects by affording an opportunity to the writ petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

at

To

1. The Vice Chancellor Committee,
Bharathiar University,
Coimbatore - 641 046.

2. The Registrar,
Bharathiar University,
Coimbatore - 641 046.

+1cc to Mr.A.Suresh Sakthi Murugan, Advocate, S.R.No.26538

W.P.No.8647 of 2018
W.M.P.No.10578 of 2018

SS (CO)

RRK (27/04/2018)



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