

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32887 of 2006

and

MP.No.1 of 2006

G. Ganesan

...Petitioner

Vs.

1.District Elementary Educational Officer,
Ariyalur, Perambalur District.

2. Assistant Elementary Educational Officer,
Vepur Union, Perambalur District.

3. Manager,
Mandhiri Padayachi,
M.G.R.Aided Elementary School,
Tholeeswarapuram,
Vepur Panchayat Union,
Perambalur District,
Pincode - 621716.

...Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the proceedings of the third respondent dated 27.05.2006 in so far as against the petitioner and quash the same and consequently to direct the respondents herein to provide the retirement benefits of the petitioner.

For Petitioner : Mr. V. Subramanian

For Respondents : Mr. R. Govindasamy (R1 & R2)
Special Government Pleader

Mr. R. Balasubramanian (for R3)

O R D E R

The petitioner filed a writ petition challenging the suspension order of the third respondent dated 27.05.2006.

2. The facts leading to the filing of the present writ petition is as follows:

The petitioner joined the third respondent school as a teacher in the year 1976. At the time of verge of retirement,

the petitioner was placed under suspension on 25.07.2006 on the ground that the petitioner was in judicial custody for more than 48 hours.

3. The third respondent Manager was impleaded as one of the defendants. The trial court granted 1/7th share in favour of the petitioner. Aggrieved against the order of the trial court, the petitioner had filed an appeal suit in A.S.No.79/2001 on the file of the Additional District Judge, Ariyalur. The lower appellate court has allowed his appeal on 29.12.2003 and granted one-fourth share over suit properties. Aggrieved against the lower appellate court order, the third respondent has filed an appeal before this court in S.A.Nos.2066 and 2067/2004. Pending civil dispute, the third respondent gave a false complaint against the petitioner on 23.07.2005. Thereafter, the Law Enforcing Agency registered a case u/s.294 B, 506 (2), 379 of IPC and the petitioner was arrested and remanded to judicial custody on 24.07.2005 since the petitioner has been in jail for two days. Thereby, the petitioner was suspended on 27.05.2006.

4. On perusal of the impugned suspension order, the petitioner was suspended on the ground that he is in judicial custody for more than 48 hours and the same is not disputed by the petitioner. Since the impugned order was passed in the year 2006, after 11 years, I do not find anything survives in the writ petition. However, it is open to the petitioner to work out the remedy, if any constitutional order is passed after the sentence.

In view of the above, I do not find anything survives in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The District Elementary Educational Officer,
Ariyalur, Perambalur District.

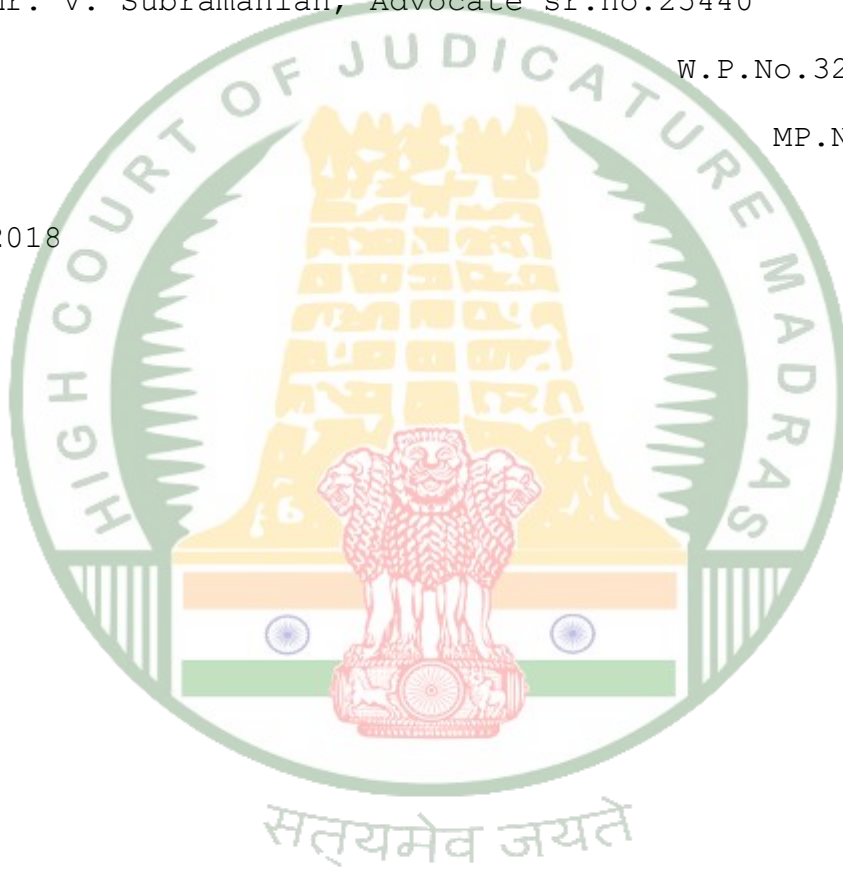
2. The Assistant Elementary Educational Officer,
Vepur Union, Perambalur District.

3. The Manager,
Mandhiri Padayachi,
M.G.R.Aided Elementary School,
Tholeeswarapuram,
Vepur Panchayat Union,
Perambalur District,
Pincode - 621716.

+1cc to Mr. V. Subramanian, Advocate sr.no.25440

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na(co)
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