

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.12.2018

CORAM:
THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31189 of 2018
and
W.M.P.Nos.36390 & 36391 of 2018

D.Sivaraj

....

Petitioner

Vs

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

2.The District Elementary Educational Officer
Coimbatore District, Coimbatore.

3.The Assistant Elementary Educational Officer
Thondamuthur Panchayat Union, Thondamuthur
Coimbatore District.

...Respondents

For Petitioner : M/s.R.Saseetharan
For Respondents : Ms.P.Kavitha, Government
Advocate (Education) for
R1 to R3

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the 2nd respondent in relation to the proceedings issued in R.C.No.2942/A2/2016 dated 24.07.2017 issued by the second respondent and quash the same and issue a consequential direction to the respondents to post the petitioner as secondary grade teacher at Panchayat Union Primary School, Kuppeyapalayam, Thondamuthur Panchayat Union, Thondamuthur, Coimbatore District with service and monetary benefits.

W E B C O P Y
O R D E R

The petitioner was working as a secondary grade teacher. He was placed under suspension on 24.07.2017 on account of a pending criminal case filed against him under Sections 498(A) IPC.

2. The order of suspension dated 24.07.2017 is under challenge on the ground that no disciplinary proceedings have been initiated based on the FIR registered against the petitioner. Learned counsel for the petitioner relies on the

judgments of the Supreme Court reported in (2015) 7 SCC 291 "Ajay Kumar Choudhary Vs Union of India" and "State of Tamil Nadu Vs Pramod Kumar" reported in 2018 SCC Online SC 1079, wherein it was held as follows,

"We, therefore, direct that the currency of a suspension order should not extend beyond three months, if within this period, the Memorandum of Charges / Charge sheet is not served on the delinquent officer / employee; if the Memorandum of Charges / Charge sheet is served, a reasoned order must be passed for the extension of suspension. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution."

3. Considering the facts and circumstances of the case and in the light of the facts that no final report has been filed even after the expiry of one year and that the representations sent by the petitioner in this regard, did not evoke any response from the respondents, the respondents are directed to revoke the order of suspension dated 24.07.2017 and put him in the post he is entitled to, within a period of two weeks from the date of receipt of a copy of this order. With the above directions, the writ petition is disposed of. No costs. Consequently, connected W.M.Ps. are closed.

KST

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
College Road, Chennai 600 006.
- 2.The District Elementary Educational Officer,
Coimbatore District, Coimbatore.
- 3.The Assistant Elementary Educational Officer
Thondamuthur Panchayat Union, Thondamuthur
Coimbatore District.

+lcc to Mr.R.Saseetharan, Advocate, S.R.No.83562

+lcc to the Government Pleader, S.R.No.84010

W.P.No.31189 of 2018

kak(21/12/2018)