



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Twenty Sixth day of February, Two Thousand and Eighteen

CORAM:

WEB COPY

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mrs.Justice R.THARANI

C.M.P. (MD) Nos.9005 and 9006 of 2017
in
W.A. (MD) No.1206 of 2015

S.AROCKIAM

... PETITIONER IN BOTH CASES

Vs

- 1 DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMNAD DISTRICT.
- 2 ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
PARAMAKUDI, RAMNAD DISTRICT.
- 3 CORRESPONDENT,
R.C.MIDDLE SCHOOL, MELAKAVANOOR,
PARAMAKUDI TALUK, RAMNAD DISTRICT.
- 4 REV.FR.ARUL J.PRAKASAM,
CORRESPONDENT, R.C. MIDDLE SCHOOL,
MELAKAVANOOR, PARAMAKUDI TALUK, RAMNAD DISTRICT.
- 5 M.SETHUPANDIAN,
ENQUIRY OFFICER, 7/200 (21) VAIGAI NAGAR,
DHARMARAJAPURAM, PARAMAKUDI-707,
RAMNAD DISTRICT.
- 6 THE DEPUTY REGISTRAR OF CO OPERATIVE SOCIETIES,
MELACHATRAM SINGARA THOPPU, PARAMAKUDI,
RAMNAD DISTRICT.
- 7 THE SPECIAL OFFICER,
N.N.509, ALANKARAMADHA TEACHERS
THRIFT & CREDIT SOCIETY LTD.,
RAMNAD DISTRICT.
- 8 REV.FR ANTONY MICHAEL CORRESPONDENT OF RC SCHOOLS,
R.C. CHURCH, KOTTALUR,
SIVAGANGAI DISTRICT.

... RESPONDENTS IN BOTH CASES

PRAYER IN C.M.P. (MD) No.9005 OF 2017 IN W.A. (MD) No.1206 of 2015:

<https://hcservices.ecourts.gov.in/hcservices/>

Civil Miscellaneous Petition is filed under Section 151 of
Civil Procedure Code praying this Hon'ble Court to clarify the order



of this Honourable Court dated 19.06.2017 in so far as the duration for which the arrears of salary is to be paid to the Appellant/Respondent.

PRAYER IN C.M.P. (MD) No. 9006 OF 2017 IN W.A. (MD) No. 1206 of 2015:

Civil Miscellaneous Petition is filed under Section 151 of Civil Procedure Code praying this Hon'ble Court to give a reasonable extension of time for the completion of enquiry proceedings with respect to the charge Memo dated 5.12.2006.

Prayer in WA (MD). 1206/ 2015 :

Writ Appeal is filed under Clause 15 of Letter patent Act, praying Hon'ble Court against the order dated.02.07.2015 made in W.P. (MD) No. 165 of 2008.

Prayer in WP (MD). 165/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandmaus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings No. Nil dated 20/12/2007 and quash the same, and direct the respondents to reinstate the petitioner in service with all the consequential benefits.

ORDER : This petition coming on for hearing on this day, upon perusing the affidavit and material papers filed, and upon hearing the arguments of Mr.CIBI CHAKRABOORTHY, Advocate for the petitioner, and of Mr.B.BRAHALD RAVI, Advocate for the Respondent, this Court made the following order:

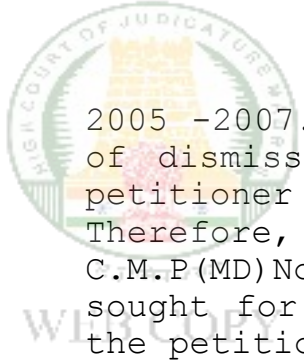
(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.Cibi Charaboorthy, learned counsel for the petitioner and Mr.B.Prahalad Ravi, learned counsel for the respondent.

2.These applications were filed to clarify the judgment passed by this Court on 19.06.2017 and to grant extension of time to comply with the judgment.

3.The learned counsel for the petitioner submitted that the Paragraph No.41 needs to be clarified, more particularly, with regard to the arrears of salary payable to the petitioner.

4.On reading of our judgment in Paragraph No.41, we find that the judgment is clear in the sense that the Court has set aside the order of dismissal, quashing entire domestic enquiry proceedings, including the report of the Enquiry Officer and directed the Management to appoint a fresh Enquiry Officer, commence the enquiry proceedings afresh and complete the same within stipulated time. There was a further direction that till fresh enquiry proceedings are completed, the petitioner is entitled to his salary and arrears of salary, till the commencement of the enquiry, shall be paid in full and thereafter, notice of enquiry shall be issued. The Management has paid the salary to the petitioner for a period of



2005 -2007. This in our view is correct. In the judgment, the order of dismissal was set aside and therefore, it is deemed that the petitioner is an employee of the petitioner's institution. Therefore, we find no ground to clarify the order. Accordingly, C.M.P(MD)No.9005 of 2017 is dismissed and in so far as, the prayer sought for in C.M.P(MD)No.9006 of 2017, on account of dismissal of the petitioner's service, we extend the time limit stipulated in the judgment by further period of four weeks from the date of receipt of copy of this order.

List the matter after 13 weeks.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

TO

1 DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMNAD DISTRICT.

2 ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
PARAMAKUDI, RAMNAD DISTRICT.

+1CC TO M/S.ISSAC CHAMBERS, ADVOCATE, SR NO.51543

ORDER DATED: 26.02.2018

ORDER

C.M.P. (MD) Nos.9005 and 9006
of 2017 in
W.A. (MD) No.1206 of 2015

MS/SKN-RSK/SAR-1/23.03.2018/3P.4C