



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.290 of 2011 and

M.P. (MD) No.1 of 2011

WEB COPY

P.Alagumugam

... Petitioner

Vs.

1. The Director of Elementary Education,
D.P.I. Compound,
Chennai - 600 006.
2. The District Elementary Education Officer,
R.M.S.Road, Madurai - 1.
3. The Manager cum Correspondent,
Thanam Middle School,
Gandhi Nagar, Madurai - 20.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records and pertaining to the impugned order issued by the third respondent dated 28.07.2010 and quash the same on the ground that the same is arbitrary and illegal and consequently direct the respondents to provide the salary and other monetary benefits to the petitioner which are eligible as per the law.

For Petitioner	: Mr.S.Karthik
For R-1 & R-2	: M/s.S.Srimathy, Special Government Pleader.
For R-3	: Mr.M.Karthikeya Venkatachalapathy

O R D E R

The petitioner was appointed as a Second Grade Teacher in Dhanamani Vidhyasalai Middle school, Goripalayam, Madurai. He was rendered surplus. Therefore, he was redeployed to the third respondent school on 31.07.2008. The petitioner was dismissed from service by order dated 28.07.2010. The same is questioned in this Writ petition.

2. Heard the learned counsel on either side.

3. A mere look at the order impugned in the Writ petition indicates that the order has been passed without being preceded by any enquiry. Therefore, on this sole ground, the order impugned in this Writ petition is quashed.



4. When an order of this nature is quashed on technical grounds, the course open to the Court would be to remit the matter to the Management. This Court suggested to both the parties to settle the issue amicably.

WEB COPY

5. The learned counsel appearing for the third respondent on instructions submitted that the Management would reinstate the petitioner in service and give a quietus to the whole issue. There will not be initiation of disciplinary action against the petitioner. The petitioner also foregoes his claim for backwages. The petitioner will be entitled to continuity of service and all other attendant benefits. In other words, the increment will be given notionally. The third respondent shall issue an order reinstating the petitioner, forthwith.

6. The Writ petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-II)

To

1. The Director of Elementary Education,
D.P.I.Compound,
Chennai - 600 006.
2. The District Elementary Education Officer,
R.M.S.Road, Madurai - 1.

+1cc to Mr.S.KARTHIK, Advocate, SR.No.100626

+1cc to Mr.M.KARTHIKEYA VENKATACHALAPATHY, Advocate, SR.No.101185

+1cc to M/s.Special Government Pleader,SR.No.100814

W.P.(MD)No.290 of 2011 and

M.P.(MD)No.1 of 2011

17.12.2018

PMU

KK/RSK/SAR-2/19.12.2018/2P-6C