



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD)No.12738 of 2013

R.Venkatraj

... Petitioner

Vs.

1. The Account General,
Teynampet,
Chennai - 600 018.

2. The Pay and Accounts Officer,
The Pay and Accounts Office,
South Masi Street,
Near Crime Branch,
Madurai - 1.

... Respondents

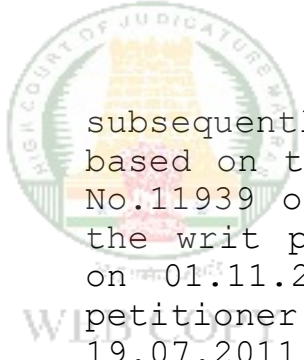
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of pertaining to the impugned order in Na.ka.No.23947/2011/Admn1/U3 dated .02.2013 signed dated 11.02.2013 on the file of the Respondent No.2 to the extent of considering the period of 19.07.2011 to 12.12.2011 as earned leave and quash the same as illegal and consequently directing the Respondents regularize the suspension period of 147 days 19.07.2011 to 12.12.2011 as service period and to provide the pay and allowances for the regularizing period from 19.07.2011 to 12.12.2011 within the time stipulated by this court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.P.Gunasekaran
For R2	: M/s.VPM.Vaishnavi
	Government Advocate

O R D E R

The order passed by the second respondent in February 2013 in respect of regulating the period of suspension as earned leave is under challenge in this writ petition.

2.The writ petitioner was employed as Special Grade Office Assistant. On account of certain allegations, disciplinary proceedings were initiated against the writ petitioner. The writ petitioner was placed under suspension from 19.07.2011 and



subsequently, he was reinstated by proceedings dated 13.12.2011 based on the order passed by this Court on 11.11.2011 in W.P.(MD) No.11939 of 2011. The disciplinary proceedings initiated against the writ petitioners were concluded and a final order was passed on 01.11.2013, imposing the punishment of censure on the writ petitioner. Consequently, the period of suspension from 19.07.2011 to 12.12.2011 was regulated as earned leave and accordingly, the suspension period was regularized.

3.The learned counsel for the writ petitioner states that the writ petitioner was imposed with two punishments one is censure and other is regulating the period of suspension as earned leave.

4.The learned Government Advocate appearing on behalf of the second respondent states that on account of certain allegations, disciplinary proceedings were initiated against the writ petitioner and the same ended with an order of punishment of Censure. Thus, the period of suspension was regulated as earned leave and there is no irregularity in respect of the order impugned in this writ petition. This apart, the intervening period was regulated as per the rules in force and the same cannot be treated as duty, in view of the fact that the disciplinary proceedings ended with an order of punishment.

5.This Court is of an opinion that the writ petitioner was placed under suspension on account of initiation of disciplinary proceedings and finally disciplinary proceedings ended with an order of punishment. Therefore, there is no infirmity as such in regularizing the period of suspension as earned leave as applicable under the rules. Further, regulating the period of suspension as earned leave cannot be construed as punishment. Even, while regulating the period of suspension, the disciplinary authorities are competent to treat the same as punishment. This, being the powers of the disciplinary authorities, in the present case, the period of suspension was regulated as earned leave as applicable to the writ petitioner and therefore, there is no infirmity as such. Thus, the writ petitioner has not made out any ground for granting the relief as such sought for in this writ petition.

6.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

The Pay and Accounts Officer,
The Pay and Accounts Office,
South Masi Street,
Near Crime Branch,
Madurai - 1.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.56513

+1cc to Mr.P.Gunasekaran, Advocate Sr.No.56881

+1cc to Spl.Government Pleader Sr.No.56561

MM

VB/JC/SAR1/03.04.2018/3P/5C

W.P. (MD) No.12738 of 2013
19.03.2018