

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.9493 & 9494 of 2018 and 16975 of 2019 and
W.M.P.Nos.11393 & 11395 of 2018 and 16535 of 2019

Dr.S.John William

... Petitioner
in all W.P.'s

Vs.

1. The Regional Joint Director of College Education,
Office of the Regional Joint Director of College
Education, Institute of Advanced Study in
Education Campus,
Saidapet, Chennai 600 015
2. The Director of Collegiate Education,
9th Floor, EVK Sampath Building,
College Road, Chennai 600 006
3. The State of Tamil Nadu,
Rep. by its Secretary,
Education Department, Fort St.George,
Chennai - 600 009
4. Rev.Fr.Danis Ponnaiah
5. The Secretary and Correspondent,
Loyola College, Nungambakkam,
Chennai - 600 034

... Respondents
in all W.P.'s

Prayer in W.P.No.9493 of 2018:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the impugned charge memo issued by the fifth respondent herein in his proceeding dated 09.11.2017 and quash the same.

Prayer W.P.No.9494 of 2018 :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned order of suspension passed by the fifth respondent herein in his proceeding dated 30.10.2017 and quash the same and consequently treat the suspension period as duly period.

Prayer W.P.No.16975 of 2019:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the impugned show cause notice dated 12.03.2019 received on 13.03.2019 along with enquiry officer's report calling for explanation and quash the same.

For Petitioner : Mr.B.Hari Babu
in all W.P.'s

For Respondents :
in all W.P.'s.

For R1 to R3: Mr.V.Kadirvelu,
Special Government Pleader(Education)

For R4 & R5: Mr.P.Godson Swaminath

COMMON O R D E R

By consent, these writ petitions are taken up for final disposal.

2.The petitioner filed writ petition challenging the suspension order dated 30.10.2017 and the subsequent charge memo dated 09.11.2017. While the writ petitions were pending, an enquiry officer was appointed and after completing the enquiry, enquiry report was submitted and the disciplinary authority issued show cause notice. Challenging the show cause notice, third writ petition was filed. All these writ petitions are clubbed together and with the consent of parties, common order is passed.

3.The learned counsel for the petitioner submits that though the petitioner was placed under suspension vide proceedings dated 30.10.2017 and thereafter charge memo dated 09.11.2017 was issued, the petitioner is not inclined to canvass all those things before this Court. Subsequently an enquiry officer was appointed and the enquiry officer concluded his enquiry and filed enquiry report before the fifth respondent. Thereafter, the fifth respondent issued show cause notice. So, in view of the above, without going into the merits of the case, the petitioner may be permitted to file explanation within a period of two weeks from the date of receipt of copy of this order. Thereafter the disciplinary authority may consider sympathetically the petitioner's plight and the services rendered by him.

4.In view of the request of the learned counsel for the petitioner, the petitioner also appeared before this Court and expressed that he has rendered more than 28 years of service and

he has expressed his gratitude toward the management and requested that his case may be considered sympathetically while taking decision after considering his explanation.

5.Considering the limited request made by the petitioner, I am inclined to grant permission to the petitioner to make his explanation to the show cause notice within a period of two weeks. Thereafter the disciplinary authority has to pass appropriate orders after considering his past service and his previous conduct within a period of four weeks from the date of receipt of copy of this order.

6.Accordingly, these writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

- 1.The Regional Joint Director of College Education,
Office of the Regional Joint Director of College
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- 2.The Director of Collegiate Education,
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- 3.The Secretary,
The State of Tamil Nadu,
Education Department, Fort St.George,
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- 4.The Secretary and Correspondent,
Loyola College, Nungambakkam,
Chennai - 600 034

+1 CC to Mr.K.S. Narayanan, Advocate sr 85685
+1 CC to M/s. Isaac Chambers sr 86346.
+1 CC to The Govt. Pleader sr 86092.

W.P.Nos.9493 & 9494 of 2018 and 16975 of 2019

BP(CO)

SP(08/11/2019)