

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16-04-2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.461 of 2018

P.Periyasamy

.. Petitioner

vs

1.Joint Director (Higher Education),
Directorate of School Education,
D.P.I. Complex,
College Road,
Chennai-600 006.

2.Chief Educational Officer,
Dharmapuri District,
Dharmapuri.

3.Chief Educational Officer,
Kancheepuram District,
Kancheepuram.

4.Headmaster,
Government Girls Higher Secondary School,
Kamarajar Street,
Big Kancheepuram,
Kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 21.10.2017 submitted to regularise the leave, to pay salary for the period of leave and to treat the period from 25.5.2011 to 26.12.2011 as one on duty and pay benefits, on its merits and in accordance with law.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.A.Raja Perumal,
Additional Government Pleader.

O R D E R

The departmental disciplinary proceedings initiated against the writ petitioner and the memorandum of charges are issued in proceedings dated 13.7.2011, are under challenge in the present writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner submitted an explanation, denying the allegations. The allegation against the writ petitioner is unauthorised absence for a period of six months. The criminal case registered against the writ petitioner in C.C. No.431 of 2013 also ended with an order of acquittal. Thus, there is no impediment for the respondents to continue the departmental disciplinary proceedings pending against the writ petitioner, conclude the same and pass final orders as expeditiously as possible.

3. It is needless to state that the writ petitioner is bound to cooperate for the early disposal of the departmental disciplinary proceedings. The writ petitioner has to avoid seeking unnecessary adjournments while conducting the process of enquiry. The authorities competent are also bound to continue the proceedings without any delay and conclude the same by providing an opportunity to the writ petitioner and considering the defence statement, if any, filed by the writ petitioner.

4. This being the principles to be followed, the respondents are directed to continue the departmental disciplinary proceedings already initiated, conclude the same and pass final orders as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. It is made clear that in the event of any non-cooperation on the part of the writ petitioner, the same shall be recorded by the competent authorities in the proceedings itself.

5. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1. Joint Director (Higher Education),
Directorate of School Education,
D.P.I. Complex,
College Road,
Chennai-600 006.

2.Chief Educational Officer,
Dharmapuri District,
Dharmapuri.

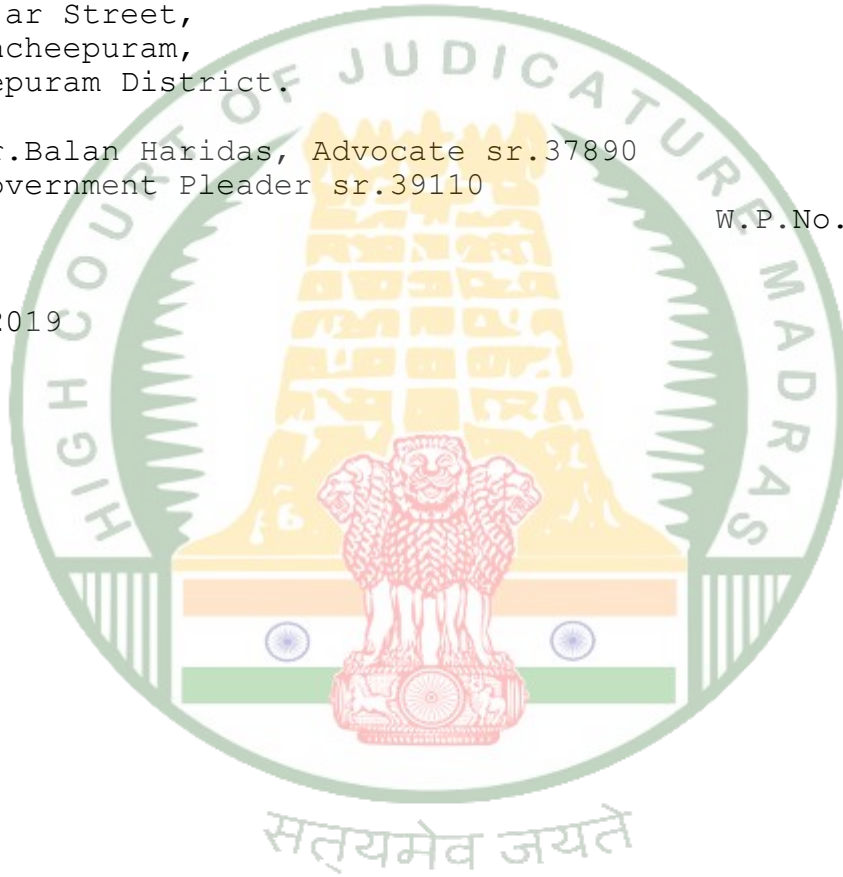
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4.Headmaster,
Government Girls Higher Secondary School,
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Kancheepuram District.

+lcc to Mr.Balan Haridas, Advocate sr.37890
+lcc to Government Pleader sr.39110

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nr 27/05/2019



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