

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3955 of 2018
And
W.M.P.No.4843 of 2018

R.Saravanamuthu

.. Petitioner

Vs.

1.The Joint Director (Higher Secondary),
of School Education,
Chennai-600 006.

2.The Chief Educational Officer,
Ariyalur.

3.The Head Master,
Government Higher Secondary School,
Sundakudi,
Ariyalur District,
Pin-621 701.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the production of the proceedings dated 29.1.2018 made in R.C.No.78588/ W3/S3/14 and consequential proceedings dated 31.1.2018 made in R.C.No.78585/W3/S3/2014 both passed by the first respondent herein, quash the same and direct the first respondent to revoke the suspension and permit the petitioner to retire from service as P.G. Assistant, (English), Government Higher Secondary School, Sundakudi, Ariyalur District.

For Petitioner : Mr.S.Senthilnathan

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

O R D E R

The order of suspension dated 29.1.2018 as well as the order dated 31.1.2018 retaining the writ petitioner in service invoking the Rule 56(1)(c) of the Fundamental Rules, are under challenge in the present writ petition.

2. The writ petitioner was working as P.G. Assistant (English) in Government Girls Higher Secondary School,

Vedaranyam, Nagapattinam District and placed under suspension on account of the criminal case registered against him. The criminal case registered against him was in relation to the case of suicide of a teacher and during the pendency of the criminal case, the writ petitioner had reached the date of superannuation. Thus, the authorities competent issued the order of suspension and passed the consequential order retaining the services of the writ petitioner under the Fundamental Rules.

3. As of now both the criminal case as well as the departmental disciplinary proceedings initiated are pending against the writ petitioner. Under these circumstances, neither the order of suspension nor the order retaining the services of the writ petitioner can be revoked. Only after the conclusion of the criminal case as well as the departmental disciplinary proceedings, suitable actions are to be initiated against the competent authorities in order to settle the terminal and pensionary benefits of the writ petitioner.

4. In view of the fact that the writ petitioner is placed under suspension, he is eligible to receive the subsistence allowance not exceeding the provisional pension as per the Rules and as admissible.

5. This being the factum, the writ petitioner is bound to face the criminal proceedings as well as the departmental disciplinary proceedings and only after the disposal of these cases, the writ petitioner is entitled to get all terminal and pensionary benefits depending upon the outcome in the criminal case as well as in the departmental disciplinary proceedings.

6. Under these circumstances, this Court cannot revoke the order of suspension or set aside the order passed by the respondents in retaining the services of the writ petitioner. Thus, the writ petitioner cannot seek the remedy of settlement of terminal and pensionary benefits by revoking the order of suspension as well as the order of retention of service.

7. Accordingly, the writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Asst. Registrar

//True Copy//

Sub Asst. Registrar

To

1. The Joint Director (Higher Secondary),
of School Education, Chennai-600 006.

2.The Chief Educational Officer,
Ariyalur.

+1 CC to Mr. S.Senthilnathan, Advocate SR.NO.36649
+1 CC to Government Pleader SR.NO.37087

WP.No.3955 of 2018

CO (PMS)
VC (12/06/2019)



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