



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WP(MD)No.16968 of 2019 and
WMP(MD).No.13535 of 2019

C. Balachandar

... Petitioner

Vs.

1.The Director of Elementary Education,
O/o. the Director of Elementary Education,
DPI Campus,
Chennai -6.

2.The Joint Director of Elementary Education,
O/o. the Joint Director of Elementary Education,
DPI Campus, Chennai -6.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari,
Kanyakumari District.

4.The District Educational Officer (in charge),
O/o. the District Educational Officer,
Thiruvattar,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1507/A1/2018, dated 27.12.2018 on the file of the respondent No.4 and quash the same as illegal and consequently, directing the 4th respondent to grant pension and other consequential benefits to the petitioner within the time period stipulated by this Court.

For Petitioner : Mr. T. Aswin Rajasimman

For Respondents : Mrs. S. Srimathy
Special Government Pleader

**ORDER**

This Writ Petition has been filed to quash the impugned order passed by the 4th respondent in Na.Ka.No.1507/A1/2018, dated 27.12.2018 and consequently, direct them to grant pension and other consequential benefits to the petitioner within the time frame to be fixed by this Court.

2. Mrs. S. Srimathy, learned Special Government Pleader took notice for the respondents. By consent, this Writ Petition is taken up for disposal at the admission stage itself.

3. According to the petitioner, while he was working as a Headmaster at Government Middle School, Thottavaram, Kanyakumari District, he was issued with impugned charge memo by the 4th respondent as per Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules, due to the criminal case pending against him in Crime No. 208 of 2018, on the file of the Inspector of Police, Nesamony Nagar Police Station, Kanyakumari District. Thereafter, the petitioner has filed CrI.O.P(MD).No. 5728 of 2019 before this Court and this Court by order dated 22.04.2019, quashed the aforesaid First Information Report in Crime No.208 of 2018. Hence, the petitioner has made a representation dated 04.06.2019 to the 4th respondent to drop the charges as the criminal case has already been quashed. But, the same has not been considered so far. In such circumstances, the petitioner has filed the present Writ Petition before this Court.

4. Though this petition has been filed to give a positive direction to the 4th respondent, the learned counsel appearing for the petitioner submits that the petitioner will be satisfied, if a direction is issued to the 4th respondent, to consider the representation of the petitioner, dated 04.06.2019.

5. The learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner will be considered by the 4th respondent on merits within a specified time that may be fixed by this Court.

6. Having regard to the limited scope of the prayer, that is now sought before this Court by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the petitioner's case, directs the 4th respondent to consider the representation of the petitioner, dated 04.06.2019 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, in any event not later than eight weeks from the date of receipt of a copy of this order.



7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

trp

To

1.The Director of Elementary Education,
O/o. the Director of Elementary Education,
DPI Campus,
Chennai -6.

2.The Joint Director of Elementary Education,
O/o. the Joint Director of Elementary Education,
DPI Campus, Chennai -6.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Kanyakumari,
Kanyakumari District.

4.The District Educational Officer, (in charge)
O/o. the District Educational Officer,
Thiruvattar,
Kanyakumari District.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.79076
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.79204

WP(MD)No.16968 of 2019 and
WMP(MD).No.13535 of 2019
31.07.2019

DB(CO)

TR (06.08.2019) 3P 7C