



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17591 of 2015

K.Kathiresan

... Petitioner

-Vs-

1.The District Educational Officer,
Usilampatti-625 532,
Madurai District.

2.The secretary and Correspondent,
Sri M.K.V., Sala Higher Secondary School,
S.Melapatti, Santhaiyur-625 703,
Peraiyur Taluk, Madurai District.

...Respondents

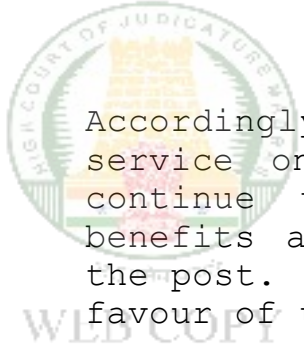
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to regularise the services of the petitioner, in his post, as the Headmaster of the second respondent institution, by treating the period of suspension from 01.02.2000 to 10.09.2001, as duty period, and to pay the petitioner all the full pay, for the period from 01.02.2000 to 10.09.2001, together with the unearned and earned leave and the increment and to pay the revised rate of pension, with interest at the rate of 9% per annum from 11.09.2001 till payment, within a time frame as may be fixed by this Court.

For Petitioner : Ms.P.Jessi Jeeva Priya,
For Mr.N.Subramanian
For R1 : Mrs.S.Srimathy,
Special Government Pleader.
For R2 : Mr.E.V.N.Siva

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to regularise the services of the writ petitioner in the post of Headmaster in the second respondent institution by treating the period of suspension from 01.02.2000 to 10.09.2001 as duty period, and to pay the writ petitioner's all the full pay and other benefits as per the rules.

2.The writ petitioner was appointed as Headmaster of the second respondent institution, which is an aided institution under the grant-in-aid. Based on certain false set of allegation, departmental disciplinary proceedings were initiated and the writ petitioner was placed under suspension. However, no further action has been proceeded with and the departmental disciplinary proceedings initiated against the writ petitioner was dropped.



Accordingly, the writ petitioner was allowed to retire from service on 31.08.2006 and the writ petitioner was allowed to continue till the academic year based on the re-employment benefits and accordingly, the writ petitioner was relieved from the post. The pension and pensionary benefits are also settled in favour of the writ petitioner.

3.However, the learned counsel appearing on behalf of the writ petitioner states that on account of non-regularisation of the suspension period, the writ petitioner is unable to get the revision of pension and other consequential benefits.

4.Once the departmental disciplinary proceedings are dropped, then the writ petitioner is entitled for the benefits for the period of suspension. Once the writ petitioner is exonerated from the allegations, the period of suspension is to be treated as duty and all benefits including monetary benefits are to be settled in this regard.

5.This being the factum, the second respondent school management is directed to submit necessary proposal to the first respondent for the purpose of regularising the period of suspension as per the rules in force, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the proposal from the second respondent, the first respondent is directed to consider the same in accordance with the rules in force and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of the proposal from the second respondent.

6.With these directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To
The District Educational Officer,
Usilampatti-625 532,
Madurai District.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate SR-75898.
+1 CC to Mr.E.V.N.SIVA, Advocate SR-76044.

W.P(MD)No.17591 of 2015