



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P. (MD) No.24736 of 2018

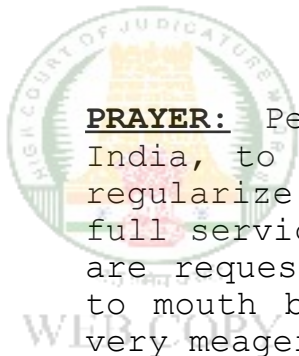
Thenmozhi

... Petitioner

-vs-

- 1.The Secretary,
Kamarajar Middle School,
Sholavandan,
Vadipatti Taluk,
Madurai.
- 2.The District Elementary Educational Officer,
Madurai.
- 3.The Secretary,
Sundarambal Middle School,
No.2, Keeraithurai,
Madurai.
- 4.The Joint Director,
Elementary Educational Office,
DPI Office, College Road,
Nungambakkam,
Chennai - 6.
- 5.The Additional Assistant Elementary Educational Officer,
Madurai South,
Madurai.
- 6.The Assistant Elementary Educational Officer,
Vadipatti,
Madurai.
- 7.The Director,
Elementary Educational Office,
DPI Office, College Road,
Nungambakkam,
Chennai - 6.

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to regularize the period of suspension and taking into account for the full service and resultant the revised new pension and special grade are requested to be given since the petitioner suffering from hand to mouth because of the petitioner getting old pay scale which is very meager to run the livelihood for the past 8 years.

For Petitioner : Mr.P.Paranthaman
For 1st Respondent : Mr.S.Veeranasamy
For Respondents 2, 4 to 7: Mrs.S.Srimathy
Special Government Pleader
For 3rd Respondent : Mr.C.Godwin

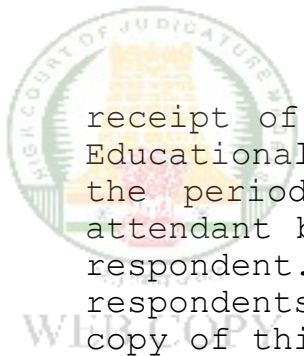
O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.P.Paranthaman, learned counsel appearing for the petitioner, Mr.S.Veeranasamy, learned counsel appearing for the first respondent, Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 2, 4 to 7 and Mr.C.Godwin, learned counsel appearing for the third respondent.

2.This Writ Petition has been filed by the teacher of the third respondent school, who was subjected to suspension pending disciplinary action, which ultimately ended in dismissal from service and both the suspension and dismissal were not approved, as against which, appeal was filed, which was rejected and the appeal before the Principal Sub Court by the school was dismissed, which was challenged by the school by filing Writ Petitions. The Writ Petitions were elaborately heard and the same were dismissed on 21.11.2011, as against which Writ Appeal Nos.460 and 465 of 2012 were filed, which are pending without any interim order. In the meantime, the writ petitioner was transferred along with posting in first respondent school and she attained the age of superannuation and retired from service on 31.01.2010. Though the petitioner has been paid pension, the period of suspension has not been regularized, consequently the monetary benefits have not been paid.

3.In view of the above facts and circumstances of the case, we direct the third respondent as well as the first respondent institutions to forward necessary papers to the District Elementary Educational Officer, Madurai within two weeks from the date of receipt of a copy of this order. If the third respondent is not forwarding the papers, it is well open to the respondent department to bring the third respondent school under direct payment. On



receipt of the proposal, the second respondent District Elementary Educational Officer shall take appropriate action for regularizing the period of suspension and paying full salary and the other attendant benefits after obtaining necessary orders from the fourth respondent. The entire exercise shall be completed by the respondents 2 and 4 within 6 weeks from the date of receipt of a copy of this order.

4.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

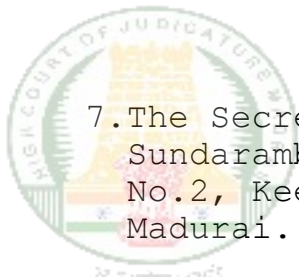
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Sub Assistant Registrar(CS)

sj

To

- 1.The District Elementary Educational Officer,
Madurai.
- 2.The Joint Director,
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Chennai - 6.
- 3.The Additional Assistant Elementary Educational Officer,
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- 4.The Assistant Elementary Educational Officer,
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- 5.The Director,
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- 6.The Secretary,
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Sholavandan,
Vadipatti Taluk,
Madurai.



7.The Secretary,
Sundarambal Middle School,
No.2, Keeraithurai,
Madurai.

+1 CC to M/s.C.GODWIN, Advocate (SR-93357[F] dated 21/10/2019)

+1 CC to M/s.SPL GP (SR-93574[F] dated 22/10/2019)

+1 CC to M/s.P.PARANTHAMAN, Advocate (SR-93774[F] dated
23/10/2019)

W.P. (MD) No.24736 of 2018
21.10.2019

JMN(15.11.2019) 4P : 11C