

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3235 of 2020

C.Suresh

Petitioner

vs.

1. The Chief Educational Officer.
Cuddalore,
Cuddalore District.

2. The District Educational Officer.
Virudhachalam,
Cuddalore District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to dispose the representation dated 22.06.2018 requesting to drop the 17(b) charges pending against the petitioner and treat the period of suspension from 24.09.2014 to 08.09.2015 as duty with service and attendant benefits within a stipulated time, in the light of the orders of this Court dated 07.03.2018 in Crl.O.P.No.6440 of 2018 and Crl.M.P.No.3283 of 2018.

For Petitioner : Mr.G.Amalraj

For Respondents: Mrs.V.Annalakshmi

Government Advocate

O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to dispose of the representation made by the petitioner on 22.06.2018 wherein the petitioner had sought for dropping the disciplinary proceedings against him and had requested for treating the period of suspension as duty period.

2.The case of the petitioner is that he was working as a Junior Assistant in the Government Higher Secondary School. A criminal case came to be registered against him in Crime No.340 of 2014 and the petitioner was arrested and remanded to judicial custody. Consequently, a suspension order came to be passed against the petitioner.

3.The criminal case ultimately came to be quashed by this Court in Crl.O.P.No.6440 of 2018 by an order dated 07.03.2018 on the ground of compromise. The petitioner thereafter, made a representation to the respondents to revoke the suspension and to drop the departmental proceedings and also to consider the period of suspension as duty period. Since the representations were not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.G.Amalraj, learned counsel appearing on behalf of the petitioner and Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representations made by the petitioner on 24.04.2018 and 22.06.2018 and pass appropriate orders on its own merits, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of the representations dated 24.04.2018 and 22.06.2018 and a copy of this order.

6.This writ petition is disposed of with the above directions. No Costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ssr

To

1. The Chief Educational Officer.
Cuddalore,
Cuddalore District.

2. The District Educational Officer.
Virudhachalam,
Cuddalore District.

+1 CC to Govt. Pleader sr 11825

+1 CC to Mr.G.Punniyakoti, Advocate sr 10909.

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RK(CO)

SP(27/02/2020)