

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.Nos.4000 and 4001 of 2019
and
C.M.P.Nos.25095 and 25097 of 2019

A. Krishnamoorthy ... Appellant in W.A.No.4000 of 2019
R. Pandian ... Appellant in W.A.No.4001 of 2019.

-vs-

1. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Ariyalur District,
Ariyalur.
3. The District Educational Officer,
Udayarpalayam,
Ariyalur District : Respondents in both the appeals

Appeals filed under Clause 15 of the Letters Patent against the order dated 25.02.2019 passed in W.P.Nos.34556 and 34557 of 2018 on the file of this Court.

Prayer in W.P.Nos.34556 and 34557 of 2018:-This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pass orders for regularizing the period of suspension from 21.05.2003 to 20.08.2003 in favour of the petitioner with all consequential and other attendant benefits including seniority and promotion on par with juniors, based on the representation submitted by the petitioner dated 25.07.2017, within a time frame.

For Appellants : Mr.G. Sankaran

For Respondents : Mr.C. Munusamy
Spl.G.P. (Edn.,)

COMMON JUDGMENT
(Delivered by Subramonium Prasad,J.,)

The writ petitioners are the appellants. The writ petitions are for a mandamus directing the respondents to pass orders regularising the period of suspension from 21.05.2003 to 20.08.2003 and for all consequential benefits.

2.The writ petitions were dismissed only on the ground that the disciplinary proceedings were in progress and final order was yet to be passed and the regularisation of the period of suspension can be undertaken only after passing of the final orders in the departmental disciplinary proceedings.

3.Mr.G.Sankaran, learned counsel for the petitioners, would submit that 16 years have passed and there is no progress in the disciplinary proceedings at all. He would, therefore, submit that after 16 years, it cannot be said that just because the disciplinary proceedings are in progress, the period of suspension for three months cannot be regularised. He states that the respondents are treating the period as a break-in-service and the writ petitioners are being denied of all promotions.

4.On a perusal of the impugned order and the records, we are of the view that just because the disciplinary proceedings are pending for the past 16 years, the non-regularisation of the writ petitioners' suspension for a period of three months is possible. In this view of the matter, we set aside the impugned judgment of the learned Single Judge and direct the respondents to consider the representation of the petitioners dated 25.07.2017 within a period of six weeks from the date of production of a certified copy of the order. If the respondents take a stand that they have not received any such a representation, the petitioners are permitted to file a fresh representation within a period of three weeks from today.

The Writ Appeals are allowed in the above said terms. No costs. Consequently, C.M.P.Nos.25095 and 25097 of 2019 are closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

sra

To

1. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Ariyalur District,
Ariyalur.
3. The District Educational Officer,
Udayarpalayam,
Ariyalur District.

+1cc to Government Pleader, SR.No.6229 & 6230.

RSI (CO)
CSR: 14.02.2020

W.A.Nos.4000 and 4001 of 2019

सत्यमेव जयते

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