



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.01.2020**

CORAM

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P(MD)No.751 of 2020

C.Sasikumar

.. Petitioner

Vs.

The District Backward Classes and Minority
Welfare Officer,
Tirunelveli District.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to regularize the period of suspension from 19.09.2016 to 18.06.2017 and refix the scale of pay in terms of recommendation of the 7th Pay Commission and to pay consequential monetary benefit to the petitioner within the time stipulated by this Court and pass such further or other orders.

For Petitioner : Mr.S.Kumar

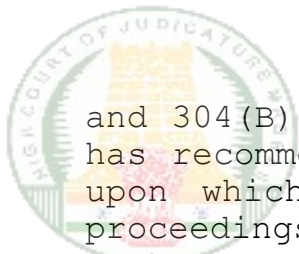
For Respondent : Mr.M.Jeyakumar,
Additional Government Pleader.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondent to regularize the period of suspension from 19.09.2016 to 18.06.2017 and refix the scale of pay in terms of recommendations of the 7th Pay Commission and to pay consequential monetary benefit to the petitioner.

2.Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he was appointed as Secondary Grade Watchman at Vellalankulam Government Boys Hostel (DNC) on 07.01.2010. He married one Dhanalakshmi and she committed suicide on 18.08.2016. Based on the complaint lodged by his father-in-law, a criminal case in Crime No.104 of 2016 was registered under Section 174 Cr.P.C. and later it was altered into Sections 498(A)



and 304(B) IPC. The Deputy Superintendent of Police, Sankarankovil has recommended to take departmental action against the petitioner, upon which, the respondent placed him under suspension vide his proceedings dated 19.09.2016. On 18.05.2017, the respondent issued a charge memo under Rule 17(a) of the Tamil Nadu Government Servants (Discipline and Appeal) Rules and he submitted his explanation on 23.05.2017. Since no final order has been passed, he filed W.P(MD) No.4589 of 2017 and this Court directed the respondent to consider the revocation of his suspension. Based on which, the respondent revoked the order of suspension, vide proceedings, dated 19.06.2017 and posted him at Sayamalai Government Students Hostel for De-notified Community and he is working there till date. During the suspension period, he was paid 50% of the salary as subsistence allowance. In the criminal case, he was acquitted from the charges, by Judgment, dated 17.10.2019. Thereafter, the petitioner made a representation dated 21.11.2019 to the respondent to regularize the period of suspension from 19.09.2016 to 18.06.2017 and pay the consequential monetary benefit and also to refix his scale of pay in terms of 7th Pay Commission and he also sent a reminder dated 18.12.2019. Since no action has been taken so far, the petitioner has come up with the present petition.

4.The learned counsel for the petitioner submitted that it would be suffice, if the representation of the petitioner, dated 18.12.2019, is directed to be disposed of by the respondent.

5.Considering the limited scope of prayer sought for in the Writ petition, this Court, without going into the merits of the petitioner's claim, directs the respondent to consider the representation of the petitioner, dated 18.12.2019 and pass orders on merits and in accordance with law and also in the light of his acquittal in the criminal case in S.C.No.54 of 2018, within a period of four (4) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 18.12.2019 to the respondent.

6.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

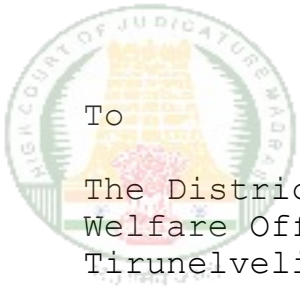
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

The District Backward Classes and Minority
Welfare Officer,
Tirunelveli District.

+1 CC to M/s.S.KUMAR, Advocate (SR-1682[F] dated 13/01/2020)

+1 CC to M/s.SPL.GP (SR-1936[F] dated 20/01/2020)

**ORDER MADE IN
W.P (MD) No.751 of 2020
13.01.2020**

JMN(31.01.2020) 3P : 4C