



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020
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WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.14841 of 2013

R.Arjunan

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
D.P.I. Campus, College Road,
Chennai - 600 006.

3.The Joint Director of School Education
(Personnel)
D.P.I. Campus,
College Road,
Chennai - 600 006.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order passed by the third respondent in O.Mu.No.56590/A3/E3/2011, dated 12.08.2011 and quash the same and direct the third respondent to treat the period between 03.04.2000 and 16.11.2000 as 'compulsory wait period'.

For Petitioner : Mr.R.Subramanian

For Respondents : Mrs.S.Srimathy,
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to quash the order passed by the third respondent in proceedings dated 12.08.2011 and direct the third respondent to treat the period between the 03.04.2000 and 16.11.2000 as 'compulsory wait period'.



2. The grievances of the writ petitioner is that the period of suspension was not regulated as 'compulsory wait' and his request was rejected in this regard. The fact remains that the disciplinary proceedings were initiated and an interim stay was granted by the Tamil Nadu Administrative Tribunal and the petitioner claims that the period of interim stay is to be regulated as 'compulsory wait'.

3. The writ petitioner, even at the time of filing the writ petition was aged about 64 years and now he would be around 71 years. Thus the writ petition itself is liable to be rejected on the ground of laches.

4. Mere submission of representation and obtaining an order from the competent authorities would not restore the cause of action which is otherwise lapsed. This apart the period of suspension now cannot be treated as 'compulsory wait'. If an interim order was in force passed by the Tamil Nadu Administrative Tribunal appropriate action would have been taken during the relevant point of time, when the interim order of stay was in force. Contrarily, the writ petitioner cannot approach this Court after a lapse of many years for the relief to consider his case to treat the period as 'compulsory wait'. Thus the entire relief as such sought for is misconceived and not in consonance with legal principles settled. Thus, the writ petition is devoid of merits and the same stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
D.P.I. Campus, College Road,
Chennai - 600 006.

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(Personnel)
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+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-19251[F] dated 07/10/2020)

+1 CC to M/s.Special Govt.Pleader (SR-19417[F] dated 08/10/2020)

W.P.(MD) No.14841 of 2013
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rm

SDS (29.10.2020) 3P-6C