



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2020

CORAM

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

W.P(MD)No.5740 of 2020

S.Kalaiselvi

... Petitioner

Vs.

1.The Director,
Elementary School Education Department,
Chennai.

2.The District Elementary Education Officer,
Tirunelveli District.

3.The Block Education Officer,
Palayamkottai, Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the appeal submitted by the petitioner dated 27.07.2011 along with reminder 23.03.2012, which was filed against the order of the 2nd respondent dated 16.06.2011 within a specified time limit fixed by this Court and pass such further or other orders.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.A.Thiyagarajan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the 1st respondent to consider the appeal submitted by the petitioner dated 27.07.2011 along with the reminder dated 23.03.2012, which was filed against the order of the 2nd respondent, dated 16.06.2011 and dispose of the same.

2.Mr.A.Thiyagarajan, learned Government Advocate takes notice for the respondents. 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 the petitioner was



appointed as Secondary Grade Teacher and joined the service on 21.03.1980. Her date of superannuation was on 01.07.2011. At the verge of retirement, she was issued with a charge memo, dated 29.01.2010, levelling 8 charges, under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for which, she submitted her explanation on 05.08.2010. Being dissatisfied with the same, the 2nd respondent appointed the enquiry officer, vide proceedings, dated 01.02.2010 and the enquiry officer, after completion of the enquiry, submitted his report, dated 25.03.2010, based on which, the petitioner was issued with the show cause notice and the petitioner also submitted her explanation on 06.04.2011. The 2nd respondent had passed order dated 16.06.2011, imposing a punishment of stoppage of one increment with cumulative effect, against which, she filed an appeal on 27.07.2011 followed by a reminder, dated 23.03.2012, but the same was not considered by the 1st respondent. Therefore, the petitioner has come up with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5. The learned counsel for the petitioner would submit that it would suffice, if the appeal preferred by the petitioner, is directed to be disposed of by the 1st respondent as per law.

6. Considering the limited scope of prayer sought for in the Writ petition, this Court, without advert to the merits of the case, directs the 1st respondent to consider the appeal preferred by the petitioner, dated 27.07.2011, followed by the reminder dated 23.03.2012, and dispose of the same on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copies of the appeal, dated 27.07.2011 and reminder, dated 23.03.2012, to the 1st respondent.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Director,
Elementary School Education Department,
Chennai.

2.The District Elementary Education Officer,
Tirunelveli District.

3.The Block Education Officer,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-12573[F] dated 19/03/2020)

+1 CC to M/s.SPL.GP (SR-12689[F] dated 20/03/2020)

**ORDER MADE IN
W.P(MD)No.5740 of 2020**

19.03.2020

SPU (24.06.2020) 3P-6C