



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD)No.4160 of 2015
and M.P. (MD)No.1 of 2015

K.Kamaraj

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai.
- 2.The District Educational Officer,
Pattukottai Educational District,
Pattukottai, Thanjavur District.
- 3.The Administrator,
MKN Madarasa Trust,
Khadir Mohideen Boy's Higher Secondary School,
Adirampattinam, Thanjavur District.
- 4.The Head Master,
Khadir Mohideen Boy's Higher Secondary School,
Adirampattinam, Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent no.1 to 3 to regularize the period of suspension and to disburse the back wages to the petitioner for the period from 2004 to 2013 and consequently to revise salary of the petitioner by providing all increments with effect from 07.06.2004 within the time period stipulated by this Court.

For Petitioner	: Mr.G.Karthick for Mr.T.Lajapathi Roy
For R1 & R2	: Mr.J.Gunaseelan Muthaiah, Additional Government Pleader.
For R3 & R4	: No Appearance



ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to regularize the period of suspension and disbursing back wages to the petitioner for the period from 2004 to 2013 and revise the salary by providing increment.

2.The writ petitioner was appointed as Physical Education Teacher in the fourth respondent School on 02.06.1999 and his appointment was approved by the second respondent with effect from 30.01.2000. The petitioner was placed under suspension on account of the initiation of Departmental Disciplinary Proceedings. The Departmental Disciplinary Proceedings reached finality and the writ appeal filed by the respondents was also dismissed. However, the period of suspension is not regulated so far.

3.This Court is of the considered opinion that once the Disciplinary Proceedings came to an end, the period of suspension or the period of dismissal ought to be regulated as per rules in force. In the present case, the learned counsel appearing for the petitioner submitted that the period of suspension has not been regulated. In this regard, the writ petitioner has submitted a representation to the respondents on 16.03.2015.

4.Thus, the second respondent is directed to consider the representation submitted by the writ petitioner on 16.03.2015 and pass appropriate orders 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. The writ petitioner is directed to submit a copy of the representation and all other relevant documents to the respondents along with a copy of the order passed by this Court in this writ petition. Accordingly, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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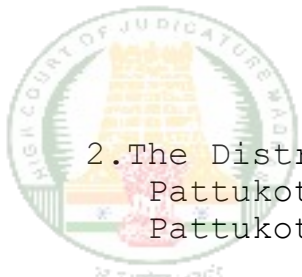
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Sub Assistant Registrar(CS)

gns
To

1.The Secretary,
Department of School Education,
Fort St.George, Chennai.

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



2.The District Educational Officer,
Pattukottai Educational District,
Pattukottai, Thanjavur District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-19876[F] dated
13/10/2020)

+1 CC to SGP (SR-19882,[F] dated 13/10/2020)

W.P.(MD)No.4160 of 2015

12.10.2020

KMV(CO)

NR (28/10/2020) 3P : 5C