



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.22218 of 2012

S.Samuel Chelladurai

.. Petitioner

vs.

1.The Joint Director of School Education,
(Administrative),
DPI Compound, Chennai-600 006.

2.The Chief Educational Officer,
Kancheepuram District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records connected with the proceedings issued in Na.Ka.No.10262/Aa3/2012 dated Nil.06.2012 passed by the 2nd respondent and Na.Ka.No.47081/C5/E5/2011 dated 13.07.2012 passed by the 1st respondent and quash the same and consequently direct the respondents to treat the period of suspension as duty period from 08.02.2002 to 20.06.2002 and to regularize the same.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.V.Nanmaran,
Additional Government Pleader for R1 & R2

O R D E R

The petitioner, challenging the impugned proceedings of the respondents 1 and 2 dated 13.07.2012 and Nil.06.2012 respectively, in and by which the punishment of "Censure" and treating the period of suspension from 08.02.2002 to 20.06.2002 as other leave except medical leave, has filed the present writ petition.

2. The case of the petitioner is that while he was working at Alandur Municipal School as Secondary Grade Teacher,



he was placed under suspension, vide proceedings of the second respondent dated 01.02.2002 and the same was challenged by the petitioner before the Tamil Nadu Administrative Tribunal in O.A.No.713 of 2002 and an order of interim stay was granted by the Tribunal on 19.02.2002 and thereafter, the petitioner was reinstated into service only on 21.06.2002 and there was delay on the part of the respondents to reinstate the petitioner into service. According to the petitioner, the respondents had served the charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and without conducting proper enquiry as contemplated under the said Rules, the punishment of "Censure" was imposed and the period of suspension was treated as Leave Period and therefore, challenging the same, the petitioner has filed the present writ petition.

3. Mr.S.Ilamvaludhi, learned counsel for the petitioner would submit that the respondents have not followed the procedure contemplated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules and in the said rules, there is a specific provision that the Disciplinary Authority have to conduct a detailed enquiry and based on the report of the Enquiry Officer, the final orders should be passed and however, in the case on hand, only summary proceedings were initiated and would further add that the punishment of "Censure" will not amount to punishment as contemplated under the Rules and they are only aggrieved by treating the suspension period as leave period and therefore, prays for interference.

4. Mr.V.Nanmaran, learned Additional Government Pleader for the respondents has justified the action of the respondents in imposing the punishment of Censure and treating the suspension period as Leave Period.

5. This Court has considered the submission made and also perused the materials placed before it.

6. The main ground raised by the learned counsel for the petitioner is that though the respondents have framed charges against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline & Appeal) Rules, without following the procedures as contemplated under the said Rules by conducting a detailed enquiry and giving its finding based on the report of the Enquiry Officer, the respondents have straight away passed the impugned order of punishment of Censure, which is only a minor penalty. The grievance expressed by the petitioner is that apart from imposing the punishment of Censure, the respondents have taken into consideration the period of suspension as leave



period. The punishment of "Censure", being a minor penalty, would not amount to punishment, as rightly pointed out by the learned counsel for the petitioner and treating the period of suspension as leave period for the minor punishment of censure is totally unreasonable. It is to be noted that the suspension order was passed by the second respondent on 01.02.2002 and the interim order of stay was granted by the Tribunal on 19.02.2002 in O.A.No.713 of 2002, but the petitioner was reinstated into service only on 21.06.2002 and there is a delay on the part of the respondents in reinstating the petitioner into service. Therefore, this Court has no hesitation to hold that for the alleged delay on the part of the respondents, the petitioner cannot be allowed to suffer and is of the view that the period of suspension of the petitioner from 08.02.2002 to 20.06.2002, shall be treated as duty period.

7. Accordingly, the respondents are directed to treat the period of suspension of the petitioner from 08.02.2002 to 20.06.2002 as duty period and regularize the same and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. The Writ Petition stands partly allowed to that extent. No costs.

Sd/-

Assistant Registrar(Digit)

// True Copy //

Sub Assistant Registrar

Jvm

To

1.The Joint Director of School Education,
(Administrative),
DPI Compound, Chennai-600 006.

2.The Chief Educational Officer,
Kancheepuram District.

W.P.No.22218 of 2012

RSI (CO)
CB(21/01/2022)