



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD) No.17922 of 2016

S.Gandhi

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District.

2.The Block Development Officer,
Office of the Panchayat Union,
Srivilliputhur,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the salary for the period of suspension of the petitioner from 25.06.2003 to 24.06.2004 along with usual increments and other allowance payable thereon within the time stipulated by this Court.

For Petitioner : Mr.K.P.Ramesh

For Respondents : Mr.A.Karthik
Government Advocate

O R D E R

This writ petition has been filed for a direction to the respondents to pay the salary for the period of suspension of the petitioner from 25.06.2003 to 24.06.2004 along with usual increments and other allowance payable thereon within the time stipulated by this Court.

2. The case of the petitioner is that the petitioner was appointed as Noon Meal Organiser at the Panchayat Union Primary School of Padikasuvaithan Patti, Srivilliputhur Taluk, Virudhunagar District on 14.02.1985. While he was in service, he was placed under suspension on 25.06.2003 and after necessary enquiry, he was reinstated on 24.06.2014, since the charges were not proved. During the period of suspension, the petitioner was not paid any allowance even the subsistence allowance. Hence, he made a representation on 15.06.2009 and further representation on 19.03.2016 to the respondents to pay the salary for the suspension period and consequent increments and the other allowances payable to the petitioner. But, till date no action has been taken by the respondents on his representation. Hence, the petitioner approached this Court with the above said prayer.



3.The learned counsel for the petitioner would submit that though the petitioner was suspended from service on 25.06.2003 and after enquiry, he was reinstated on 24.06.2014 and thereafter the charges levelled against the petitioner were dropped. Hence, the petitioner was entitled for salary during the period of suspension. Accordingly, he prayed for allowing the writ petition.

4. The learned Government Advocate appearing for the respondents drew the attention of this Court to the reinstatement order dated 09.04.2004, wherein it is clearly stated that the petitioner was not entitled for any salary for the suspension period, since he was not rendered any work during the relevant point of time. Hence, without challenging the said rejection order, filing this writ petition is not maintainable, therefore, he prays for dismissal of this writ petition.

5. Considering the facts and circumstances of the case, in the reinstatement order dated 19.04.2004, the District Collector categorically held that the petitioner is not entitled for any salary during the period of suspension, since the petitioner was not rendered any work during the suspension period. However, without taking any immediate steps to challenge the said rejection order and filing this writ petition in the year 2016, ie., after a lapse of 12 years, is not properly explained by the petitioner, hence, this writ petition deserves to be dismissed on the ground of laches.

6. Accordingly, this Writ Petition stands dismissed. No costs. Subsequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 District Collector,
Virudhunagar District.

2.The Block Development Officer,
Office of the Panchayat Union,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-7907[F] dated 01/03/2021)

W.P. (MD) .No.17922 of 2016

26.02.2021

VB (16.03.2021) 3P 4C