



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.2392 of 2016

and

W.M.P (MD)No.2135 of 2016

WEB COPY

C.Anbazhagan

... Petitioner

Vs.

1.The Secretary to Government

Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai 600 006.

3.The Chief Educational Officer,
Theni District.

4.The Head Master,
Government Higher Secondary School,
Thenppampatti Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to restore the original pay drawn by the petitioner on 31.05.2011 in view of modified punishment proposed in the letter of the 1st respondent in Lr.No.28961/Pa.Ka3(2)/2011 dated 27.05.2015 and consequently, direct the respondents herein to pay the monthly pension as per the original pay drawn by the petitioner on 31.05.2011 with arrears of the deduction of reduced pay made from his monthly pension from 31.05.2015 with reasonable interest in accordance with law within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to the the first respondent to restore the original pay drawn by the petitioner on 31.05.2011, in view of the modified punishment proposed in the letter of the first respondent in Lr.No.28961/Pa.Ka3(2)/2011 dated 27.05.2015 and consequently, direct the respondents to pay the monthly pension as per the original pay drawn by the petitioner,



on 31.05.2011 with arrears of the deduction of reduced pay made from his monthly pension from 31.05.2015 with reasonable interest in accordance with law.

2.The learned counsel appearing for the petitioner submitted that he was appointed as a Secondary Grade Teacher and thereafter, he was promoted as B.T.Assistant (History). Subsequently, he was retired from service on 31.05.2011. While the petitioner was in service, he was faced disciplinary proceedings and the said disciplinary proceedings were ended in punishment, on 31.05.2011 in reduction of his pay by two stages. Further, the learned counsel submitted that against which, the petitioner has filed an appeal before the first respondent on 21.07.2011 to set aside the punishment and the same was pending. Thereafter, the petitioner has filed a writ petition in W.P(MD)No.14625 of 2015 before this Court seeking to dispose of his appeal. This Court, by order dated 22.09.2014, directed the first respondent therein to consider and dispose of the petitioner's appeal dated 21.07.2011. The learned counsel for the petitioner further submitted that pursuant to which, the first respondent therein has decided to give proposed punishment to recover an amount of Rs.750/- for two years from the pension of the petitioner and asked the petitioner to give consent whether he has accepted the above said proposed punishment or not. Accordingly, the petitioner gave his consent letter dated 26.06.2015 stating that he has accepted the proposed punishment decided by the first respondent. Thereafter, the petitioner has filed the present writ petition.

3.It appears that during the pendency of the writ petition, the petitioner's pension was revised on 19.09.2019. In view of the subsequent development, the prayer sought for in the writ petition cannot be considered. Hence, this writ petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2021

Sub Assistant Registrar(CS)

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To

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

2.The Director of School Education,
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3.The Chief Educational Officer,
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4.The Head Master,
Government Higher Secondary School,
Thenppampatti
Theni District.

+1 CC to M/s.SPL GP (SR-13351[F] dated 24/03/2021)

+1 CC to M/s.K.APPADURAI, Advocate (SR-13386[F] dated
24/03/2021)

W.P. (MD) No.2392 of 2016
and

W.M.P (MD) No.2135 of 2016
23.03.2021

SE (CO)

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