



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10838 of 2012

S.Karunanidhi

...Petitioner

-Vs-

1.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

2.The Zonal Officer, Zone-IV,
Corporation of Chennai,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Ma.A4 Na.Ka.No. A2/7402/04 dated 10.08.2009 and the order of the second respondent in Ma.A.4 Na.Ka.No.A2/7402/2004 dated 16.04.2010 and quash the said orders and direct the respondents to treat the period of suspension from 12.07.1998 to 29.04.1999 as duty period and grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.Rajendran

For Respondents : Ms.Karthika Ashok

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. In connection with a departmental action, the petitioner was placed under suspension from 12.07.1998 till 29.04.1999. When the Disciplinary Authority had imposed the punishment, based on the enquiry, the same was quashed by this Court, through an order passed in W.A.No.1901 of 2004, dated 02.12.2008.

3. It is not in dispute that the suspension order was based on the departmental action initiated on a set of charges. When the charges itself have been quashed by this Court and the same has become final, the period of suspension requires to be treated as duty period, which is a settled proposition of law.



4. In the instant case, the petitioner was placed under suspension between 12.07.1998 and 29.04.1999. Through the impugned order, the respondents had treated the period between 12.07.1998 and 07.01.1999 as Unearned Leave on Personal Work, the period between 08.01.1999 and 03.02.1999 as Earned Leave and the period between 04.02.1999 and 29.04.1999 was treated as Leave on Loss of Pay.

5. As stated earlier, when the charges itself have been quashed by this Court and the suspension order was based on the departmental action, the action initiated by the respondents in the impugned order, cannot be sustained. Consequently, it requires to be held that the suspension period is to be treated as duty period for all purposes.

6. In the light of the above observations, the impugned order passed by the first respondent dated 10.08.2009 and the impugned order passed by the respondent 16.04.2010, are quashed. Consequently, there shall be a direction to the respondents to treat the petitioner's period of suspension between 12.07.1998 and 29.04.1999 as duty period for all purposes and accordingly extend all the monetary benefits, payable during the period of suspension to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order, in case the same has not already been done.

7. The Writ Petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Commissioner,
Corporation of Chennai, Chennai - 600 003.
2. The Zonal Officer, Zone-IV,
Corporation of Chennai, Chennai.

+lcc to Mr.P.Rajendran, Advocate SR. No.11146
+lcc to M/s.Karthikaa Ashok, Advocate SR. No.10971

W.P.No.10838 of 2012

MT (CO)
PR (08/03/2022)