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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.5409 OF 2022

AND

W.M.P.NO.5498 OF 2022

S.Soosai Jayaraj

... Petitioner

.Vs.

1. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
2. The District Educational Officer,
Polur Education District,
Thiruvannamalai.
3. The Block Educational Officer,
Chetpet Block,
Thiruvannamalai District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to conclude the enquiry and to pass final orders in th disciplinary proceedings issued by the District Elementary Educational Officer, Thiruvannamalai in Na.Ka.No.128/Aa2/2015 dated 25.10.2016 and consequently directing the respondents to settle the annual increment and revision of scale of pay as per VII Pay Commission and to allow the petitioner to retire from service on 31.05.2022, based on the representation submitted by the petitioner.

For Petitioner : Mr.J.Jayamalan

For Respondents : Mr.V.Manoharan
Additional Government Pleader
For R1 & R2



O R D E R

By consent, this Writ Petition is taken up for final disposal.

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2. The prayer in the writ petition is for a Mandamus directing the respondents to conclude the enquiry and to pass final orders in the disciplinary proceedings issued by the District Elementary Educational Officer, Thiruvannamalai in Na.Ka.No.128/Aa2/2015 dated 25.10.2016 and consequently direct the respondents to settle the annual increment and revision of scale of pay as per VII Pay Commission and to allow the petitioner to retire from service on 31.05.2022, based on the representation submitted by the petitioner.

3. The case of the petitioner is that he was initially appointed as Secondary Grade Teacher in the year 1986 and subsequently promoted as Primary School Headmaster in the year 2002 and further promoted as Middle School Headmaster in the year 2016 and he is due to retire from service on superannuation on 31.05.2022. While the petitioner was working as Middle School Headmaster of Panchayat Union Middle School, Ogur, he was implicated in a criminal case in Crime No.449 of 2014 on the file of the Chetpet Police Station and he was placed under suspension, vide order dated 22.01.2015 issued by the District Elementary Educational Officer, Tiruvannamalai, on the ground of involvement in a criminal case. According to the petitioner, he has nothing to do with the above said criminal case and the petitioner has been falsely implicated due to the dispute between his sister's family and one Mr.Johnson. Challenging the order of suspension dated 22.01.2015, the petitioner had filed W.P.No.12968 of 2015 and in pursuant to the interim order passed in the said writ petition, the petitioner was reinstated into service, vide proceedings dated 26.06.2015. Pursuant thereto, the petitioner was issued with a Charge Memo dated 25.10.2016 and so far, no final order was passed on the aforesaid charge memo and therefore, the petitioner has filed the present writ petition.

4. Mr.V.Manoharan, learned Additional Government Pleader for the respondents has drawn the attention of this Court to the counter affidavit filed by the second respondent and submitted that the criminal proceedings as well as the departmental proceedings are on the same set of charges and therefore, the disciplinary proceedings are kept pending till the conclusion of the criminal prosecution.

5. At this stage, the learned counsel for the petitioner prays that appropriate orders may be given to the Chief Judicial Magistrate, Tiruvannamalai to expedite the trial of the criminal



case in S.C.No.4 of 2019 pending on its file and the petitioner also undertakes to cooperate for speedy conclusion of the trial.

6. In view of the above facts and submissions, in order to meet the ends of justice, this Court directs the Chief Judicial Magistrate, Tiruvannamalai to expedite the trial of the criminal case in S.C.No.4 of 2019 pending on its file and conclude the same as expeditiously as possible, within a period of six months from the date of receipt of a copy of this order and thereafter, the petitioner shall make a representation to the authorities concerned seeking disbursement of the terminal benefits.

7. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
2. The District Educational Officer,
Polur Education District,
Thiruvannamalai.
3. The Block Educational Officer,
Chetpet Block,
Thiruvannamalai District.

Copy To:-

The Chief Judicial Magistrate,
Tiruvannamalai.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.20117
+1cc to the Government Pleader, S.R.No.20381

W.P.NO.5409 OF 2022

AD(CO)
PBS/04/04/2022