



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 31.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.40174 of 2015

and

M.P.No.1 of 2015

P.Rayappan

...Petitioner

Vs

The Chief Educational Officer,
Ariyalur District, Ariyalur.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent issued in his proceedings Rc.No.9263/A3/2015 dated 08.12.2015, quash the same and consequently direct the respondent to permit the petitioner to continue in service with all consequential benefits including monetary benefits.

For Petitioner : Ms.A.Arulmozhi

For Respondent : Ms.P.Rajarajeswari,
Government Advocate

ORDER

When a Government employee is suspended from services and subsequently, the suspension order is revoked, the period of suspension is deemed to be duty period, unless an order is passed by treating such a suspension period otherwise.

2. In the instant case, the petitioner was suspended from service on 08.12.2015 and by the proceedings of the Joint Director of School Education, dated 13.11.2016, the suspension was revoked, which was served on him on 10.01.2017. In the proceedings dated 13.11.2016, there is no observation that the period of suspension would be treated as "period on leave" or otherwise. In such circumstances, the petitioner's period of suspension is to be regarded as duty period, for all purposes.



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3. The petitioner herein has sought for quashing the suspension order dated 08.12.2015. Such a prayer has now become infructuous, in view of the subsequent proceedings dated 13.11.2016.

4. Accordingly, there shall be a direction to the respondent herein to consider the petitioner's period of suspension between 08.12.2015 and 10.01.2017, as "duty period" for all purposes and pass orders granting all the monetary and service benefits, including continuity of service during this period. The respondent shall endeavour to pass such orders, within a period of two (2) weeks from the date of receipt of a copy of this order..

5. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

hvk
To

The Chief Educational Officer,
Ariyalur District, Ariyalur.

+1cc to Mr.A.Arulmozhi, Advocate Sr.5489
+1cc to the Government Pleader Sr.6424

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srg 18/02/2022