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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.23815 of 2021

V.Subramanian

... Petitioner

Vs.

1. The Secretary to Government
Department of School Education,
Secretariat, St.George Fort,
Chennai - 600 009.
2. The Director of School Education,
DPI Complex, College Road, Chennai - 600 006.
3. The Tamil Nadu Accountant General (A & E),
Tamil Nadu, Anna Salai, Chennai - 600 018.
4. The Chief Educational Officer,
Office of the Chief Educational
Krishnagiri, Krishnagiri District - 625 001. ... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the second respondent to conclude and pass final order in the disciplinary proceedings in vide Na.Ka.No.051026/LW1/E3/2018 dated 11.10.2019 initiated against the petitioner based on the charge memo issued by the second respondent and consequently direct the second respondent to pass order for payment of retirement benefits and pensionary benefits to the petitioner within a stipulated time as fixed by this Court.

For Petitioner : Mr.C.Mariappan

For R1, R2 & R4 : Mr.V.Nanmaran
Additional Government Pleader

For R3 : Mr.V.Vijay shankar



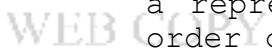
O R D E R

This writ petition has been filed to direct the second respondent to conclude and pass final order in the disciplinary proceedings in vide Na.Ka.No.051026/LW1/E3/2018 dated 11.10.2019 initiated against the petitioner based on the charge memo issued by the second respondent and consequently, direct the second respondent to pass order for payment of retirement benefits and pensionary benefits to the petitioner within a stipulated time as fixed by this Court.

2. Brief facts of the case:

(i). While the petitioner was working as Head Master in the Government High School at Kundhukottai in Denkanikottai Taluk, Krishnagiri District, based on the complaint given by one Rajamma, a case was registered against the petitioner, in Crime No.19/2015 for the offence under Sections 294(b), 494, 498(A) and 506(i) of IPC by the All Women Police Station. Thereafter, the case was taken on file in C.C.No.447/2015 before the learned District Munsif cum Judicial Magistrate, Denkanikottai, and the petitioner found guilty for the offence under Section 494 of IPC and he was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo one month simple imprisonment. Aggrieved over the same, the petitioner has filed a Criminal Appeal No.23/2018 before the learned Additional District Session Judge, Hosur, Krishnagiri District and by an order dated 11.02.2020, the learned Judge has acquitted the petitioner for the offence under 494 of IPC.

(ii). In the mean time, the petitioner was retired from the service on 31.07.2018 by proceedings issued by the fourth respondent in Na.Ka.No.3380/A6/2018, since he attained the age of supremeannuation. Subsequently, third respondent has sanctioned pension vide No.291/A2/2018, dated 03.09.2018 and paid monthly pension from 01.08.2018 to 01.06.2019 and thereafter, monthly pension was stopped from 01.07.2019 without giving an reason. Further, on 26.09.2018, the third respondent has sanctioned gratuity at Rs.8,80,393/- but it was not aid to the petitioner till now. Further, the second respondent had issued charge memo to the petitioner after his retirement on 11.10.2019, stating that the petitioner was suppressed the fact that he was convicted and sentenced for the offence under Section 494 of IPC. For the said charge memo he has given his submission on 28.10.2019 stating that he was acquitted from the above said charge in CrI.A.No.23 of 2018 but due to his mental agony, he has not informed about his conviction. Due to nonsatisfaction with the explanation given to the charge memo an enquiry was conducted by the fourth respondent. However, the fourth respondent in his proceedings dated 04.08.2020, sent a letter to the second



(iii). Thereafter, on 06.06.2020, the petitioner has given a representation to all the respondents along with the copy of order of acquittal order and requested them to pay pension from 01.07.2019 and to pay all terminal benefits by cancelling the disciplinary proceedings. Further, the fourth respondent issued enquiry notice dated 10.11.2020 calling the petitioner to attend the enquiry on 18.11.2020 in connection with the charge memo and the petitioner has attended the enquiry. Thereafter Joint Director of School Education issued a show cause notice dated 04.08.2021 along with the enquiry report dated 28.11.2021 calling the petitioner to submit the additional explanation for the proved second charge and he has also given the explanation for same. Thereafter, no order has been passed by the second respondent till now. Hence the present writ petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation dated 06.06.2020, will be considered by the second respondent/Director of School Education and the orders will be passed as per the explanation given by the petitioner to the enquiry.

6. On a perusal of the records, it is seen that the petitioner was acquitted for the offence under Section 494 of IPC by the learned Additional District Session Judge at Hosur, Krishangiri District, in CrI.A.No.23/2018 and he has given a representation dated 06.06.2022 to the respondents by enclosing the copy of the order of acquittal. Further, the petitioner has given his explanations to the second respondent with regard the charge memo, given explanation to the enquiry conducted by the fourth respondent and also to the show cause notice issued by the Joint Director of School Education, then also no order has been passed by the respondents.



7. In view of the above facts and circumstances of the case and considering the representation dated 06.06.2020 made by the petitioner before the respondents is still pending, it is for the second respondent to consider the said representation.

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8. Therefore, this Court directs the competent authority/second respondent to consider the petitioner's representation dated 06.06.2020 and pass appropriate orders as early as possible preferably within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Secretary to Government
Department of School Education,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.
3. The Tamil Nadu Accountant General (A & E),
Tamil Nadu,
Anna Salai,
Chennai - 600 018.
4. The Chief Educational Officer,
Office of the Chief Educational
Krishnagiri,
Krishnagiri District - 625 001.

+1cc to Mr. C. Mariappan, Advocate, S.R.No.8529

+1cc to the Government Pleader, S.R.No.9194

W.P.No.23815 of 2021

PL(CO)
SU(03/03/2022)