



WEB COPY



W.P. Nos.32424 and 32427 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. Nos.32424 and 32427 of 2022

R. Ramkumar

... Petitioner in both W.P.s

Vs.

1. The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Salem District,
Salem.

3. The District Educational Officer,
Sankagiri Education District,
Salem District.

4. The Block Educational Officer,
Tharamangalam Block
Tharamangalam,
Salem District 636 502.

... Respondents in both W.P.s

Prayer in W.P. No.32424 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pass appropriate orders for regularizing the period of suspension from 12.02.2019 to 22.10.2019 by cancelling the charge memo issued by the District Educational Officer, Sankagiri in Na.Ka.No.3141/Aa3/2019, dated 11.10.2019, by considering the



W.P. Nos.32424 and 32427 of 2022

representation submitted by the petitioner dated 05.11.2022.

Prayer in W.P. No.32427 of 2022 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pass appropriate orders for regularizing the period of suspension from 27.07.2015 to 15.04.2016 by cancelling the charge memo issued by the District Elementary Educational Officer, Salem in Na.Ka.No.4011/A3/2015, dated 16.09.2015, by considering the representation submitted by the petitioner dated 05.11.2022.

For petitioner in both W.P.s : Mr.G.Sankaran
For respondents in both W.P.s : Mr.C.Sathish
Government Advocate

COMMON ORDER

By consent of both the parties, these writ petitions have been taken up for final disposal at the admission stage itself.

2. Mr.C. Sathish, learned Government Advocate accepts notice for the respondents.

3. The grievance of the petitioner in these writ petitions is that even though he was suspended from service for the period from 27.07.2015 to 15.04.2016 and thereafter from 12.02.2019 to 22.10.2019 and charge memos were issued in the year 2015 and 2019 respectively in respect of the said suspension orders till date, the respondents have not pursued with further enquiry. The petitioner had already submitted explanations in



W.P. Nos.32424 and 32427 of 2022

respect of the two charge memos. The petitioner claims that since the respondents have not pursued with the further enquiry, the respective charge memos are presumed to be cancelled. In such circumstances, he has given separate representations both dated 05.11.2022 in respect of two charge memos requesting the respondents to regularise the period of his suspension i.e., from 27.07.2015 to 15.04.2016 and 12.02.2019 to 22.10.2019 as period of duty. Since the representations have not been considered till date, he has filed these writ petitions.

4. Heard Mr.G. Sankaran, learned counsel for the petitioner and Mr.C. Sathish, learned Government Advocate for the respondents.

5. No prejudice would be caused to the respondents, if the petitioner's representations as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the 3rd respondent to pass final orders on merits and in accordance with law on the petitioner's representations both dated 05.11.2022 seeking for regularising the period of his suspension from 27.07.2015 to 15.04.2016 and from 12.02.2019 to 22.10.2019, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P. Nos.32424 and 32427 of 2022

7. With the aforesaid direction, this writ petition is disposed of. No

costs.

02.12.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :

1. The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Salem District,
Salem.

3. The District Educational Officer,
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4. The Block Educational Officer,
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W.P. Nos.32424 and 32427 of 2022

ABDUL QUDDHOSE, J.

vsi2

W.P. Nos.32424 and 32427 of 2022

02.12.2022