



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.3176 of 2023

P.Kandasamy

Petitioner

vs.

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

2.The District Elementary Education Officer,
Office of the District Elementary Education,
Salem – 636 001.

3.The Additional Assistant Elementary Education Officer,
Office of the District Elementary Education,
Thalaivasal, Salem – 636 112.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider and dispose the petitioner's explanation to the charge memo dated 14.07.2016 which was given in light of this court's direction in WP. No.34627 of 2016 , dated 28.06.2021 and to direct the respondents No. 1 to 3 to provide subsistence allowance to the petitioner and to reinstate the petitioner in TN - Higher Secondary Education Service as per rules within the time stipulated by this Court.

For Petitioner : Mr.Sushil Rajkumar.J

For Respondents : Mr.D.Ravichander

Special Government Pleader

**ORDER**

This writ petition has been filed for issue of writ of mandamus directing the 2nd respondent to consider the explanation given by the petitioner for the charge memo and to complete the disciplinary proceedings and to pay the attendant benefits to the petitioner.

2.The case of the petitioner is that he was working as the Headmaster of the Government Primary School at Salem District from the year 2004 to 2007. Thereafter, he was posted in the Government Middle School in the year 2011 at Manivizhunthaan village.

3.The disciplinary proceedings were initiated against the petitioner through a charge memo that was issued on 14.07.2016 under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules. The petitioner also gave his reply to the charge memo and the grievance of the petitioner is that the disciplinary proceedings are yet to be concluded and various representations have been made in this regard. That apart, the petitioner has not been paid the subsistence allowance. Aggrieved by the same, the present writ petition has been filed before this Court.



4. Heard Mr.J.Sushil Rajkumar, learned counsel appearing on behalf of the petitioner and Mr.D.Ravichander, learned Special Government Pleader appearing on behalf of the respondents.

5. Taking into consideration the limited relief sought in the present writ petition and without going into the merits of the case, there shall be a direction to the 2nd respondent to complete the disciplinary proceedings and to pass final orders, within a period of six weeks from the date of receipt of copy of this order. In the meantime, if the petitioner is under suspension, the 2nd respondent shall ensure that the subsistence allowance is properly paid to the petitioner. The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.

6. This writ petition is disposed of with the above direction. No Costs.

08.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr



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N. ANAND VENKATESH, J.

SSR

To

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