



WEB COPY



W.P.No.10084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HON'BLE JUSTICE MRS.V.BHAVANI SUBBAROYAN

W.P.No. 10084 of 2023

S.A.Rajkumar

... Petitioner

Versus

1.The Joint Director of School Education,
(Personnel)directorate of School Education,
College Road, Chennai-600 006.

2.The Chief Educational Officer,
Udhagamandalam,
The Nilgiri's District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 1st respondent to consider the appeal made by the petitioner dated 21.05.2018.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.S.Rajesh



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ORDER

This writ petition has been filed to direct the 1st respondent to consider the appeal made by the petitioner dated 21.05.2018.

2. The case of the petitioner is that he was appointed as Drawing Teacher on 25.01.2005 on consolidated pay through employment exchange and subsequently on 01.06.2006, he was brought into regular time scale of pay and his probation was also cleared. Presently, he is working at Govt. Higher Secondary School, Alandurai, Coimbatore District. While being so, the petitioner's wife has been admitted as an inpatient, for which he had applied earned leave from 03.08.2018 to 14.08.2018 (12 days) and from 23.08.2018 to 07.09.2018(16 days) to look after his wife and the same was later authorised by the 2nd respondent on 14.09.2018. On 08.09.2018, the petitioner has been served the order of suspension dated 07.09.2018 by the 2nd respondent. Thereafter, the petitioner had filed a petition in W.P.No.26197 of 2018 before this Court, when the same was pending, the suspension order was revoked on 25.02.2019 by the 2nd respondent with a



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condition that he should get a posting order from Joint Director of School.

While so, the 2nd respondent had issued a charge memo dated 14.02.2014 and 21.04.2014 under rule 17 (b) of TNCS (D&A) to the petitioner. The inquiry officers conducted the enquiry proceedings against the petitioner and sent the report on 21.12.2018 as if the charges were proved as the petitioner had supported the Democratic Progressive Alliance and he has acted in violation of the Rules of Conduct of Government Servants as per Rules 12, 14 and 16 of the Tamil Nadu Code of Conduct.

3. On 21.03.2018, the 2nd respondent had issued an order of stoppage of increment for 2 years without cumulative effect to the petitioner. Against which, the petitioner had made an appeal to the 1st respondent on 25.05.2018 and he also made several representation to sanction annual increments due from 01.04.2020 and the same was not considered by the respondents. Hence, he seeks to direct the 1st respondent to consider the appeal made by the petitioner dated 21.05.2018.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on records.



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5. The learned Counsel appearing for the respondents submitted that the appeal made by the petitioner would be considered by the authorities concerned and appropriate orders would be passed on its own merits.

6. Considering the facts and circumstances of the case, this Court directs the 1st respondent to consider the appeal made by the petitioner dated 21.05.2018 within a period of 4 months from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs

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Index: Yes/ No
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V.BHAVANI SUBBAROYAN, J.

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