



WEB COPY



W.P.No.18509 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.07.2023**

CORAM :

THE HON'BLE MR. JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.18509 of 2020

and

W.M.P.No.22948 of 2020

Arumugasamy

Versus

... Petitioner

1.State of Tamil Nadu,
Rep.by its Secretary,
Fort St.George,
Chennai 600 001.

2.The Joint Director of School Education,
Directorate of School Education,
Chennai – 600 006.

3.The Chief Educational Officer,
500, Raja Street, near Five Corner, Town Hall,
Coimbatore – 641 001.

4.The Head Master,
Government Higher Secondary School,
Anaimalai, Pollachi Taluk,
Coimbatore District – 642 104.

5.The School Education Commissioner,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.

... Respondents



W.P.No.18509 of 2020

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent in passing the impugned order dated 10.09.2019 in Na.Ka.No.3151/A1/2009 and quash the same and directing the 3rd respondent to consider the suspension period from 12.02.2009 to 26.09.2010 as a period spent on duty and pay full salary and allowances for the entire period of suspension along with all consequential benefits.

For Petitioner : M/s. R. J. Radhika,
for Mr. R. Ravi
For Respondents : Mr. T. Chezhiyan,
Additional Government Pleader

ORDER

Though the petitioner has come with the prayer, challenging the impugned order dated 10.09.2019 in Na.Ka.No.3151/A1/2009 and to quash the same with a consequential direction to direct the third respondent/The Chief Educational Officer, to consider the suspension period of 12.02.2009 to 26.09.2010 as on duty and sought for paying full salary and allowances for the said period of suspension, upon the consent of both parties, this Court has taken the prayer as consider the representation by exercising the power under Article 226 of the Constitution of India.

2. The learned Counsel for the petitioner would submit that the petitioner has sent a representation letter for preferring an appeal to the



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second respondent, who in turn, submitted the same to the third respondent vide Na.Ka.No.3151/B1/2019, dated 13.12.2019, and the same is pending.

Since the representation dated 18.11.2019 was not considered by the respondents, the petitioner filed this Writ Petition.

3.The counter affidavit was filed by the third respondent on 22.01.2021 and in paragraph No.10, it is stated as follows:

“10. it is submitted that the petitioner in his letter dated 18.11.2019 has preferred an appeal to the impugned order to the 2nd respondent. The appeal petition was submitted to the 2nd respondent by 3rd respondent in his letter Na.Ka.No.3151/B1/2019, dated 13.12.2019. The same is pending before the 2nd respondent.

Now the petitioner filed this writ petition before the Hon'ble High Court, Madras seeking remedy.”

4.Without going into the merits of the case and in view of the above statement by the second respondent, this Court is inclined to direct the second respondent to consider the appeal dated 18.11.2019, if not considered till date the same may be considered by the second respondent on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of the order.



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5. This apart, the petitioner is also directed to give a representation to the second respondent along with a copy of the order within a period of two weeks from the date of receipt of a copy of the order and the same may be considered by the second respondent.

6.It is open to the second respondent to either dispose of the appeal dated 18.11.2019 or the representation, which is submitted by the petitioner after the receipt of a copy of the order of this Court, taking into consideration the Rule 54-B(1)(9) of the Fundamental Rules of Tamil Nadu.

7.The Writ Petition is disposed of with the above direction and observation. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

20.07.2023

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