



WEB COPY



WP.No.26498 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.26498 of 2023
and W.M.P.Nos.25902 & 25903 of 2023

S.Rathika

.. Petitioner

Versus

1.The District Elementary Educational Officer
Salem District, Salem

2.The Assistant Elementary Educational Officer
Veerapandi
Salem District, Salem

3.The Assistant Elementary Educational Officer
Athur Union, Salem District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent issued in Na.Ka.No.0598/A3/2022 dated 19.08.2023 and quash the same and consequently direct the respondents to treat the entire period of suspension from 15.06.2011 to 23.09.2011 and from 11.06.2024 to 31.03.2015 as duty and to direct the respondents to claim salary for the above said period and paid to the petitioner.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



WP.No.26498 of 2023

ORDER

This writ petition has been filed challenging the impugned order in Na.Ka.No.0598/A3/2022 dated 19.08.2023 on the ground of delay in furnishing the copies of the enquiry report to the petitioner.

2. It is the contention of the learned counsel for the petitioner that on earlier occasion, a writ petition has been filed in W.P.No.32404 of 2017, challenging the punishment. This Court, vide Order dated 27.10.2022 allowed the writ petition by setting aside the punishment and directed the respondent to furnish the copies of the enquiry report to the petitioner within a period of four weeks from the date of receipt of a copy of that order and thereafter, directed the respondents to pass final orders on merits and in accordance with law as expeditiously as possible.

3. The grievance of the writ petitioner is that the Order has been passed on 27.10.2022 with a direction to furnish the copies of the enquiry report to the petitioner within a period of four weeks from the date of receipt of a copy of that order, now, the enquiry report has been furnished after a period of eight months delay. Therefore, according to him, the entire order has to be set aside and he also placed much reliance on the judgment of the Hon'ble Supreme

Court in the case of *The Commissioner, Karnataka vs. C.Muddaiah* reported in



(2007) 7 SCC 689, wherein, paragraph 31 reads as follows:

WEB COPY

"...31. We are of the considered opinion that once a direction is issued by a competent Court, it has to be obeyed and implemented without any reservation. If an order passed by a Court of Law is not complied with or is ignored, there will be an end of Rule of Law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the Court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected. "

4. Heard both sides and perused the materials placed on record. This Court, in fact, earlier quashed the disciplinary proceedings and directed the first respondent to furnish the copies within a period of four weeks from the date of receipt of a copy of that Order. Now, in compliance of the Order, enquiry report has been furnished on 19.08.2023. It is the contention of the learned counsel for the petitioner that there is a delay in furnishing the enquiry report and as the direction is not complied, the entire proceedings has to be quashed.

5. This Court, at this stage is unable to comprehend the submissions of the learned counsel. What has been directed is only to furnish the enquiry report within a period of four weeks from the date of receipt of a copy of that



WP.No.26498 of 2023

order. When the order copy has been received by the respondent, absolutely, there is no evidence at this stage. Therefore, even assuming that there is delay in furnishing the copy that cannot be a ground to quash the entire proceedings.

6. This Court, has, in fact, granted liberty to the petitioner to submit explanation on the basis of the enquiry report, so that the principles of natural justice sought to be complied. Such view of the matter, even assuming that there is a delay in furnishing the copy, the same will not vitiate the proceedings. Accordingly, I do not find any merits in the case to quash the impugned order. The judgment relied by the learned counsel for the petitioner, on facts, is totally different to this case and that cannot be applied mechanically.

7. In view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2023

dhk
Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No



WP.No.26498 of 2023

To

- 1.The District Elementary Educational Officer
Salem District, Salem
- 2.The Assistant Elementary Educational Officer
Veerapandi
Salem District, Salem
- 3.The Assistant Elementary Educational Officer
Athur Union, Salem District

N.SATHISH KUMAR, J.



WEB COPY



WP.No.26498 of 2023

dhk

W.P.No.26498 of 2023

11.09.2023