



WEB COPY

W.P.No.28277 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.08.2023

Coram:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.28277 of 2019

K.Balu

... Petitioner

Vs.

1.Chief Educational Officer,
Dharmapuri.

2.Head Master
Govt. Hr. Sec. School,
Thammanampatty,
Dharmapuri District.

.... Respondents

Prayer: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.2444/E1/2018 dated 09.08.2019 on the file of the 1st respondent and quash the same, consequentially direct the respondents to regulate the petitioner's suspension period of 2 years, 3 months and 4 days i.e. from 10.06.2015 till 10.09.2017 as duty period and to pay all monetary benefits to the petitioner.

For Petitioner : Mr.C.Mahendran

For Respondent : Mr.R.Neethiperumal - R1



ORDER

This Writ Petition has been filed in the nature of a certiorarified mandamus seeking records relating to the order dated 09.08.2019 passed by the first respondent, Chief Educational Officer and quash the same and direct the respondents to regulate the petitioner's suspension period of 2 years, 3 months and 4 days i.e. from 10.06.2015 till 10.09.2017 as duty period and to pay all monetary benefits to the petitioner.

2. The petitioner, at the time of filing of this Writ Petition was worked as Tamil Graduate Teacher in Government Higher Secondary School, Thammanampatty, Dharmapuri District. At that particular point of time, a criminal case in Crime No.16 of 2015 had been registered against the petitioner on 28.05.2015 by the All Women Police Station, Harur under Sections 498(A) and 506(i) IPC. The petitioner had absconded and then was arrested after 27 days by the investigating authorities. The petitioner then had another complaint lodged against him which led to registration of an FIR in Crime No.90 of 2015 under Section 366 IPC by the Sub-Inspector of Police, A.Pallipatti Police Station.

3. Let me not go into the details or the nature of the criminal case, since it is stated that after trial, both the matters ended in acquittal. In this Writ Petition the relief sought is to consider the period of suspension as one of duty period. In the disciplinary proceedings, which were conducted parallelly



against the petitioner herein, punishment of censure alone had been passed. It was stated that vide order of the first respondent dated 09.08.2019, the suspension period of the petitioner was treated as earned leave or unearned leave, which would entitle only half salary to be granted and as leave on loss of pay.

4. It is trite in law that an employee is kept under suspension in order to facilitate the disciplinary proceedings to be conducted without any interference. Further, he should not indulge in tampering of witnesses or manipulation of records.

5. In the instant case, the disciplinary proceedings had proceeded without any hindrance and finally an order imposing punishment of censure alone was passed against the petitioner. That particular punishment would be in force only for a period of one year and cannot have any impediment for regularising the period of suspension.

6. As a matter of fact, the punishment of censure does not even have any monetary effect and must be in force only for a period of one year and thereafter, the normal benefits which are to be granted to the employee will have to be granted.

7. In view of this particular reasoning, without entering into details or the nature of complaints against the petitioner herein, particularly since the



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criminal cases lodged against the petitioner had ended in acquittal and the respondents imposed a punishment of censure in the departmental proceedings, I hold that the suspension period should be regulated as duty period eligible for all monetary benefits. Let necessary proceedings in this regard be issued by the respondents within a period of six (6) weeks from the date of receipt of a copy of this order.

14. This Writ Petition stands disposed of. No costs.

22.08.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No
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To

1.Chief Educational Officer,
Dharmapuri.

2.Head Master
Govt. Hr. Sec. School,
Thammanampatty,
Dharmapuri District.

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