



W.P.No.9918 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.9918 of 2017
and
W.M.P.No.10913 of 2017

T.Radha

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its
Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Thanjavur District, Thanjavur.
- 4.The Assistant Elementary Educational Officer,
Papanasam,
Thanjavur District, Thanjavur.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first and second respondents to settle the service benefits and retirement benefits to the petitioner by revoking the order of suspension passed by the third respondent in R.C.No.1170/A1/2008 dated 22.04.2008 based on the order of acquittal issued in C.C.No.61 of 2014 dated 08.05.2015 on the file of the District Munsif-cum-Judicial Magistrate Court, Papanasam and consequently allow the petitioner to retire from service as on the date of retirement on 30.04.2012 with consequential benefits including payment of arrears of salary and retirement benefits including regular pension with interest as per Fundamental Rules, by considering the representation submitted by the petitioner dated 15.10.2015, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.T.Chezhan
Additional Government Pleader

ORDER

The petitioner seeks for issuance of a Writ of Mandamus, to direct the respondents to settle her service benefits and retirement benefits by revoking the order of suspension passed by the third respondent based on



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the subsequent acquittal order in favour of the petitioner in C.C.No.61 of 2014 dated 08.05.2015.

2. The case of the petitioner is that she was suspended and the same was not revoked citing pendency of a criminal case namely C.C.No.61 of 2014 dated 08.05.2015.

3. It is the specific case of the writ petitioner that the said criminal case ended in acquittal and though she gave a representation on 15.10.2015, the respondents have not acted upon the same.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

5. It is seen that the petitioner seeks only for order of suspension being revoked in view of the acquittal order in her favour in the criminal case.



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6. The respondents are entitled to pass appropriate orders on merits and in accordance with law and take a final decision with regard to whether the petitioner is entitled to the order of revocation of suspension, which has already been slapped on the writ petitioner.

7. The writ petitioner shall also be heard before the respondents take a final decision with regard to revocation of order of suspension of the petitioner, which would pave the way for the petitioner's entitlement to service benefits and other retirement benefits.

8. Considering the fact that the petitioner was not allowed to retire on the date of superannuation i.e., on 30.04.2012 and more than a decade had passed since then, the respondents shall conduct an enquiry expeditiously and in a fair manner and decide the fate of the revocation of the suspension order, within a period of six weeks from the date of receipt of a copy of this order.



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9. The learned Additional Government Pleader for the respondents would submit that they have already paid 75% of the salary as subsistence allowance to the petitioner.

10. According to the respondents, the petitioner is not entitled to any further payment. However, in the event of the petitioner succeeding in the disciplinary enquiry proceedings, then the remaining 25% of the salary shall be released along with other benefits, if any, payable to the petitioner.

11. This Writ Petition is allowed with the above directions. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

23.06.2023

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

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To

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P.B.BALAJI, J.

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