



WEB COPY



W.P.No.29898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29898 of 2022

G.Seran

... Petitioner

Vs.

The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram-608 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to disburse the petitioner's differential salary along with interest for the period during which he was placed under suspension i.e. from 15.05.2006 to 27.09.2007 along with annual increment with interest.

For Petitioner : M/s.M.Ragul Kousik

For Respondent : Mr.E.C.Ramesh
Standing Counsel



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ORDER

The petitioner was appointed as 'Helper' on regular time scale of pay on 01.04.2004 and his services were confirmed on 22.09.2008. In the meanwhile, he was involved in a criminal case and hence he was placed under suspension on 15.05.2005. Thereafter, on 20.06.2007, he was acquitted from the criminal case by the Court of Judicial Magistrate No.1, Chidambaram. In view of his acquittal, the suspension order was revoked by the respondent on 26.09.2007. However, in the impugned order dated 26.09.2007, the petitioner suspension period between 15.05.2005 to 27.09.2007 (866 days) was treated as leave on loss of pay. Challenging this order, the present Writ petition has been filed.

2.While the learned counsel for the petitioner submitted that since the petitioner was acquitted from the criminal charges, his period of suspension requires to be treated as duty period.

3.However, the learned Standing counsel for the respondent submitted that at the time of suspension, the petitioner had not completed 3 years of regular services and therefore, the suspension period cannot be



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treated as duty period.

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4.As per Section 54 of Fundamental Rules,

“10.When a Government servant, who was suspended, is fully exonerated of the charges on appeal, the period of suspension shall be treated as duty; and he shall be entitled to pay and allowances for the entire period of suspension, provided the period of suspension ended before the date of his superannuation.”

Merely because the petitioner has not completed 3 years of regular services as on the date of suspension, will not dis-entitle him to seek benefits under Section 54 of Fundamental Rules.

5.In view of this, the action initiated by the respondents in regularizing the period of suspension as Leave on Loss of Pay cannot be sustained. Accordingly, the impugned order passed by the respondent in University Order No.1047/2007 dated 26.09.2007 regularizing the period of suspension of the petitioner from 15.05.2006 to 27.09.2007 as Leave on Loss of Pay is hereby quashed.



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6. Consequently, there shall be a direction to the respondent to pass appropriate orders, regularizing the petitioner's suspension period from 15.05.2006 to 27.09.2007 as duty period and extend all the service and monetary benefits for the said period within a period of four (04) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs.

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Index: Yes
Speaking order
gd



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The Registrar,
Annamalai University,
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M.S.RAMESH,J.

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