



W.P.No.29845 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.29845 of 2023
and WMP Nos.29456, 29458 and 29459 of 2023

Dr.S.Arul Antony

...Petitioner

-Vs-

- 1.The Principal Secretary to the Government,
Higher Education Department,
Fort St.George,
Chennai-600 009.
2. The Director of Collegiate Education,
Directorate of Collegiate Education,
Institute of Advanced Study in Education Campus,
No.577, Anna Salai,
Saidapet,
Chennai-600 015.
3. The Regional Joint Director of Collegiate Education,
Coimabtoe Region,
Race Course Road,
Coimbatore-641 018.

4. Sanil

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus to call for the records of the 1st



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respondent pertaining to his Proceedings in G.O.(D)No.292, Higher Education (F1) Department and quash the order dated 27.09.2023 with a consequential direction to regularise the period of suspension as per the existing Rules.

For Petitioner : Mr.C.Vigneswaran
Assisted by
Mr.P.Manoj Kumar

For Respondents : Mr.Mrs.V.Yamuna Devi
Spl.Government Pleader
For R.1 to R.3
Mr.K.Srinivasamurthy
For R.4

ORDER

Heard Mr.C.Vigneswaran, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader for the respondents 1 to 3 and Mr.K.Srinivasamurthy, learned counsel for the fourth respondent.

2. In contemplation of the disciplinary proceedings to be initiated against the petitioner herein, who was serving as Principal Grade I, Government Arts College, Udhagamandalam, he was placed under suspension through G.O.(D) No.292 Higher Education (F1) Department dated 27.09.2023. The suspension order is put under challenge in the present writ petition.



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3. By an interim order dated 16.10.2023 in W.M.P.No.29458 of 2023, the suspension order was stayed by this Court. However, it is stated by the learned counsel for the petitioner that the respondents have not reinstated the petitioner back into service and they have also filed contempt petition, which is pending before this Court.

4. It is brought to the notice of this Court by the learned Special Government Pleader that charges have been initiated against the petitioner under Rule 17(b) 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on 10.11.2023 in Charge Memo No.2121/J2/2023. The charge relates to the allegation of bribery.

5. Learned counsel for the peittioner would submit that the petitioner is due to retire on 30.04.2024.

6. This Court is of the view that since the respondents have already framed charges for the disciplinary proceedings and by taking into account that the petitioner is due to retire on 30.04.2024, the disciplinary authority may be directed to complete the proceedings and pass final orders before the date of superannuation of the petitioner.



7. Learned counsel for the petitioner submits that he would be satisfied if such a direction is issued for completion of the disciplinary proceedings.

8. In view of the above submissions, no interference is required to the impugned order of suspension, However, there shall be a direction to the respondents 1 and 2 herein to complete the disciplinary proceedings, after extending due opportunity to the petitioner herein and pass final orders in the disciplinary proceedings relating to Charge Memo No.2121/J2/2023 dated 10.11.2023 on or before 31.03.2024.

9. At this juncture, learned counsel for the petitioner submitted that though the order of suspension has been stayed, the respondents have neither paid the salaries, nor the subsistence allowance. It is needless to point out that the moment the order of suspension is stayed by this Court, the petitioner herein is entitled to full salary for the period and in case, he has not attended duty, it requires to be treated as compulsory wait. Insofar as the period during which the petitioner was kept under suspension, he would be entitled for subsistence allowance for the suspension period. The respondents are directed to pay the salaries and subsistence allowance forthwith, in any event, within one week from the date of receipt of the order copy.



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10. The writ petition is ordered accordingly. No costs. Consequently connected miscellaneous petitions are closed.

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Index:Yes/No

Internet:Yes/No

sr

Note: Issue Order copy on 18.12.2023

To

- 1.The Principal Secretary to the Government,
Higher Education Department,
Fort St.George,
Chennai-600 009.
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M.S.RAMESH,J.,

SR

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