



W.P(MD)No.5306 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5306 of 2023

P.Vijay

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.009179/O4/2020 dated 18.02.2023 on the file of the Respondent and quash the same as illegal and consequently for a direction, directing the Respondent to regularize the period of suspension from 03.08.2020 to 19.02.2023 as duty period in accordance with the FR54-B-1.(1) of the Tamil Nadu Government Fundamental Rule and the Judgment of Honble Division Bench of this Court in G.Balasundaram Vs. Secretary, Commercial Taxes and Registration Department dated 24.09.2019 (Review Application (MD).No. 139 of 2015) within the time period stipulated by this Court.



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For Petitioner : Mr.T.Aswin Rajasimman,
For M/s.Lajapathi Roy and Associates.

For Respondent : Mr.K.K.Kannan,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner was appointed as B.T.Assistant in the year 2010. He was transferred to Veelvethiyar Corporation School in the year 2012. In the year 2020, some allegations were made against the petitioner that he misbehaved with a girl student. Crime No.376 of 2021 was registered against the petitioner. It was quashed on 01.02.2022 in CrI.O.P.(MD)No.350 of 2022. On 18.02.2023, punishment of stoppage of increment was imposed for three years without cumulative effect. The petitioner was earlier suspended from service on 03.08.2020. The petitioner was reinstated in service on 18.02.2023. On the same day, the impugned order came to be issued treating the period of suspension as punishment.



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3.As rightly pointed out by the learned counsel for the petitioner, the authority has to regularize the said period as contemplated under Fundamental Rules. It could not have been treated as one of punishment after imposing the punishment of stoppage of increment for three years without cumulative effect.

4.In this view of the matter, the order impugned in this writ petition is set aside and the matter is remitted to the file of the respondents to pass order afresh order on merits and as per the Fundamental Rules. This shall be done as expeditiously as possible.

5.This writ petition is disposed of accordingly. No costs.

30.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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