



W.P.(MD)No.6596 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6596 of 2023

Pazhamudhir Pangi

... Petitioner

Vs.

1.The District Educational Officer,
District Educational Office,
Lalgudi, Trichy District.

2.The Block Educational Officer,
Manchanallur,
Trichy District – 621 005.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay the arrears of salary including subsistence allowance for the period from 19.09.2019 to 24.02.2021 to the petitioner by considering her representation dated 27.12.2022.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The writ petitioner joined the Education Department as Secondary Grade Teacher in the year 1991. She was promoted as Elementary school Headmistress on 28.06.2006. On 23.09.2019, the petitioner was placed under suspension. On 09.10.2019, charge memo was issued. The departmental proceedings were concluded on 22.01.2020 and stoppage of increment for a period of two years with cumulative effective was passed. The petitioner does not appear to have challenged the said order.

3.Once the disciplinary action concluded, it was the duty of the department to have issued order reinstating the petitioner and also giving her an appropriate posting. Though the learned Additional Government Pleader for the respondents contended that such a posting order was issued, nothing is forthcoming. On the other hand, it is a fact that the petitioner filed W.P.(MD)No.1554 of 2020 seeking reinstatement. The said writ petition was disposed of on 27.01.2020 with a direction to



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consider the petitioner's representation. Pursuant to the direction, on 18.02.2020, the first respondent passed an order refusing to reinstate the petitioner. The petitioner filed W.P.(MD)No.5062 of 2020 questioning the same. On 20.07.2020, the petitioner was transferred to Panchyat Union School, Samayapuram. The petitioner unsuccessfully challenged the said transfer order in W.P.(MD)No. 8763 of 2020. She eventually joined in the transferred place only on 25.02.2021. It is thus obvious that the petitioner is not responsible for not joining duty during the period from 23.01.2020 to 20.07.2020.

4.The above facts are borne out by records. The period of suspension between 23.09.2019 to 22.01.2020 can be regularized as one of earned leave and with payment of subsistence allowance. This is because the disciplinary action concluded in punishment. If the petitioner has not been given subsistence allowance for the said period, the petitioner will have to be paid full pay because the said period has been treated as one of earned leave.

5.The petitioner cannot be blamed for not joining duty from 23.01.2020 till 20.07.2020. The said period will have to be treated as



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one on duty for all purposes. The petitioner is entitled to full pay for the said period. However, the petitioner would be have to blamed for not complying with the order of transfer. Therefore, the period between 20.07.2020 and 25.02.2021 will have to be treated as one of leave on loss of pay. The first respondent is directed to issue revised proceedings in the light of this order and disburse the consequential monetary benefits payable to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

6.This writ petition is partly allowed. No costs.

12.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:-

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District Educational Office,
Lalgudi, Trichy District.

2.The Block Educational Officer,
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G.R.SWAMINATHAN,J.

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