



W.P.(MD)No.21781 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21781 of 2023

G.Raja

...Petitioner

Vs.

1. The District Collector,
Sivagangai District.
2. The District Education Officer,
(Elementary Education)
Sivagangai District – 630 562.
3. The Block Educational Officer – II,
Kalaiyarkoil – 630 551,
Sivagangai District.
4. The Headmaster,
Panchayat Union Middle School,
Mudikarai, Kalayarkoil,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the full salary for the period i.e., 08.10.2020 till 18.07.2023 with the benefits arising out of the period and consequently directing to revise the



W.P.(MD).No.21781 of 2023

scale of pay of the petitioner by considering the representation of the petitioner dated 24.08.2023.

For Petitioner : Mr.K.Vinoharan
For Respondents : Mr.V.Omprakash
Government Advocate

ORDER

The present Writ Petition has been filed seeking a mandamus directing the authorities to disburse the salary for the suspension period and to revise the pay scale by granting increments for the suspension period.

2. According to the learned counsel appearing for the writ petitioner, the writ petitioner was a Secondary Grade Teacher in Annavasal Panchayat Union, Pudukkottai District, and he was placed under suspension on certain charges on 08.10.2020. Challenging the said order of suspension, the writ petitioner had filed a Writ Petition in W.P(MD) No.10139 of 2021. The said writ petition was allowed on 22.06.2021 quashing the order of suspension. The writ petitioner was reinstated into service on 18.07.2023. However, the official respondents have filed a Writ Appeal in W.A(MD) No.1430 of 2022, challenging the order of this Court and it is pending without any interim orders.



W.P.(MD).No.21781 of 2023

WEB COPY

3. According to the learned counsel appearing for the writ petitioner, even though the suspension has been revoked and the writ petitioner has been reinstated, the salary for the period of suspension and benefits arising out of the said period have not been paid. He has also further prayed for revision of pay scale by granting increments during the relevant period.

4. In view of the pendency of the Writ Appeal in W.A.(MD) No.1430 of 2022, the petitioner will not be entitled to full salary for the period of suspension or any arrears arising out of the said period, and he has to await for the order of the Hon'ble Division Bench of this Court. So far as, the payment of increments is concerned, the departmental proceedings have not yet been concluded. Therefore, there are no orders stopping his increments. The respondents herein are directed to notionally calculate the increments with pay due to the writ petitioner during the suspension and revise the pay scale with effect from August 2022 onwards and continue to pay the revised pay scale.



W.P.(MD).No.21781 of 2023

WEB COPY

5. With the above said observation, this Writ Petition stands partly allowed. There shall be no order as to costs.

05.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The District Collector,
Sivagangai District.
2. The District Education Officer,
(Elementary Education)
Sivagangai District – 630 562.
3. The Block Educational Officer – II,
Kalaiyarkoil – 630 551,
Sivagangai District.
4. The Headmaster,
Panchayat Union Middle School,
Mudikarai, Kalayarkoil,
Sivagangai District.



WEB COPY



W.P.(MD).No.21781 of 2023

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.21781 of 2023

05.10.2023