



WEB COPY



W.P.No.4228 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.4228 of 2021
and W.M.P.No.4829 of 2021

B.Thomas

/vs/

...

Petitioner

1. The District Educational Officer,
Cuddalore District.

2. Saint Joseph's Higher Secondary School,
Near Old Collector Office,
Allpettai, Manjakuppam,
Cuddalore – 607 001.
Represented by its
Principal & Correspondent.

3. J.I.Pradeep Vendhanayakam

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the second respondent in relation to the order dated 08.02.2021 and quash the same and consequently direct the respondents to provide service and monetary benefits arising therefrom within a time frame.



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For Petitioner ... Mr.M.R.Thangavel

For Respondents ... Mr.R.Neethiperumal
Govt. Advocate for R1 & R3

Mr.Arulmary
for M/s.Father Xavier Associates for R2

ORDER

The petitioner has filed this writ petition challenging the order of reinstatement passed by the second respondent on 08.02.2021.

2. In the said order it is mentioned that at the conclusion of the Domestic Enquiry, charges against the petitioner were found to be true and it has been decided to impose the punishment of stoppage of increment for one year. It is further stated that the petitioner is allowed to join duty provided he withdraws the writ petition filed by him in W.P.No.4881 of 2020.

3. However, Mr.M.R.Thangavel, the learned counsel for the petitioner, submitted that the Writ Petition in W.P.No.4881 of 2020 was closed on 26.06.2023.

4. The impugned order contains only about the proposal for



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punishment and the order of punishment has not yet been issued. The petitioner reserves his right to challenge the punishment, if any, issued to him subsequently after hearing his submission. As of today, the petitioner had chosen to join the duty and his grievance is only with regard to the non-payment of subsistence allowance during the period of suspension and also the salary due to be paid to the petitioner subsequent to the date of his reinstatement.

5. Since the petitioner is allowed to rejoin, appropriate order ought to have been passed to regularize the period for which he was kept under suspension and also the monetary benefit, if any, attached to the said period.

6. It is needless to state that the petitioner is entitled to get his salary subsequent to his reinstatement and the respondents shall not withhold the same for whatsoever reason.

7. During the course of the hearing, the learned Government



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Advocate submitted that the approval to pay salary has been obtained between the period from 27.09.2021 to 31.12.2023. In such case, there cannot be any difficulty in paying the salary relating to the said period.

8. Since nothing survives in the present petition in view of the above stated change of circumstances, this Writ Petition is disposed with the above observations. No costs. Connected miscellaneous petition is closed.

22.01.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation: Yes / No
bkn



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R.N.MANJULA ,J.

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