



WP.No.24673 of 2013

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.24673 of 2013

and M.P.No.1 of 2013

P.Ravi

S/o.A.K.Perumal

...Petitioner

Vs.

1.The Government of Tamilnadu

Department of Education,
Represented by its Secretary
Fort.St. George,
Chennai-600 009.

2.The Joint Director of School Education,

(Higher Secondary)
DPA Complex
Nungapakkam,
Chennai-600 006.

3.The Chief Educational Officer,

Chennai District,
Chennai-600 015.

4.The Principal Government Model



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Higher Secondary School,
Triplicane,
Chennai-600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus, praying to call for the records of the respondents in connection with its proceedings viz charge memo bearing Ref.No.Na.Ka.10237/W2/E3/09 dated 18.07.2013 and the order of suspension bearing Ref.No. R.C.No.102371/W3/E3/2012 dated 07.01.2013 and quash the same and further direct the respondents to pay the petitioner all the benefits including salary for the period of suspension and further to consider the Letter of Resignation dated 13.12.2012.

For Petitioner : Mr.R.Gokulraj

For Respondents : Mr.K.H.Ravikumar

Government Advocate

ORDER

Heard Mr.R.Gokulraj learned Senior Counsel appearing for the petitioner and Mr.K.H.Ravikumar, learned Government Advocate appearing for the respondent. The learned counsel for the petitioner, having argued the matter in length, fairly submitted that this is not case for quashing the charge memo dated 18.07.2013. However, he submitted that the petitioner herein is



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ready and willing to accept the punishment of compulsory retirement, basing upon the charges framed under the impugned charge memo and in case, the respondents are ready to agree for the same. This is a matter to be considered by the respondents at the appropriate stage and at appropriate level.

2. Hence, this Court is of the considered view that it would appropriate to permit the petitioner to submit a representation before the respondents 2 and 3, making a concession to accept the punishment of compulsory retirement from service with effect from 18.07.2013 instead of conducting the enquiry pursuant to the charge memo dated 18.07.2013 and the respondents are directed to consider such representation to be submitted by the petitioner. In view of the above facts, there is nothing to interfere with the impugned charge memo. The relief sought for in this writ petition quashing of the charge memo is declined and writ petition is dismissed.

3. However, it is made clear that the petitioner is at liberty to submit appropriate representation before the respondents 2 and 3, making concession to accept the punishment of compulsory retirement with effect from 18.07.2013 as a penalty on the charges levelled against the petitioner under



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the impugned charge memo within a period of four weeks from the date of receipt of a copy of this order. In case any such representation is submitted by the petitioner, the respondents 2 and 3 shall consider the same and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter. In case the request of the petitioner is not considered, the respondents are at liberty to continue the proceedings pursuant to the impugned charge memo.

4. Accordingly, the writ petition is dismissed. subject to the above observations. No costs. Consequently, connected miscellaneous petition is closed.

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vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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To

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