



WEB COPY



WA No. 1404 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HON'BLE MR. R. MAHADEVAN, ACTING CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Appeal No.1404 of 2024

1. The Chief Educational Officer
Dharmapuri.

2. The Headmaster
Government Higher Secondary School
Thammanampatty
Dharmapuri District.

.. Appellants

Versus

K. Balu

.. Respondent

Appeal under Clause 15 of the Letters Patent against the order dated 22.8.2023 passed by the learned Single Judge in W.P.No.28277 of 2019.

For the Appellants : Mr.J.C.Durairaj
Addl. Government Pleader

For the Respondent : Mr.C.Mahendran

JUDGMENT



WA No. 1404 of 2024

(Delivered by the Hon'ble Acting Chief Justice)

WEB COPY

Heard Mr. J.C. Durairaj, learned Additional Government Pleader appearing on behalf of the appellants and Mr. C. Mahendran, learned counsel for the respondent.

2. The respondent herein filed the writ petition seeking a direction to the appellants herein to regularise his suspension period of 2 years, 3 months and 4 days, i.e., from 10.6.2015 till 10.9.2017, as duty period and to pay him all monetary benefits.

3. The respondent herein was employed as Secondary Grade Teacher in Girls High School, Kadathur, while his wife was employed as Teacher in a Primary School at Salur. On 18.05.2015, the respondent's wife has given a complaint to the Chief Educational Officer alleging that her husband is having illicit relationship with a student studying in the school and when it was questioned, she was subjected to physical assault. It was also complained that on 14.05.2015, her husband eloped with the said minor girl and therefore, she prayed for taking appropriate action against her husband. The Chief Educational Officer, Dharmapuri, forwarded the said complaint of the respondent's wife to the jurisdictional police officer, based on which a case in Crime No. 16 of 2015 was registered against the respondent for the offence



WA No. 1404 of 2024

punishable under Section 498 A and 506 (i) of IPC. Upon registration of the case, the respondent was arrested and remanded to judicial custody.

Consequently, the appellants placed him under suspension from 10.06.2015 onwards. In this context, disciplinary proceedings were initiated against the respondent and it culminated in imposition of punishment of "censure". After conclusion of the disciplinary proceedings, the respondent was reinstated in service. However, the period of suspension from 10.06.2015 till 10.09.2017 has not been regularised in spite of representations made. In the meantime, the criminal case launched against the respondent also ended in acquittal. Hence, the writ petition was filed seeking to regularise the period of suspension.

4. The learned Judge, after hearing the rival submissions and on appreciating the facts of the case, disposed of the writ petition by observing that since the criminal case lodged against the respondent herein ended in acquittal and the appellants herein imposed a punishment of censure in the departmental proceedings, the suspension period should be regularised as duty period so as to enable the respondent to get all monetary benefits.

5. Assailing the aforesaid order passed by the learned Judge, the respondents in the writ petition filed the instant appeal.



WA No. 1404 of 2024

WEB COPY

6. Mr. J.C. Durairaj, learned Additional Government Pleader appearing on behalf of the appellants submits that inasmuch as the respondent has accepted the punishment of censure and has not appealed against the same, the period of suspension ought not to have been directed to be treated as on duty.

7. It is not in dispute that the criminal proceedings launched against the respondent herein ended in acquittal. The disciplinary proceedings conducted against the respondent also culminated with imposition of punishment of "censure".

8. The power of the disciplinary authority to impose a punishment is not in dispute, but the question that arises for consideration is whether, while imposing minor penalty of censure, the disciplinary authority could still treat the period of suspension as 'not on duty'. As rightly held by the learned Single Judge, the punishment of censure does not have any monetary effect and will be in force only for a period of one year. Thereafter, the normal benefits which are to be granted to the respondent will have to be paid. While so, the appellants cannot deny the monetary benefits to which the respondent is otherwise entitled to.



WA No. 1404 of 2024

WEB COPY

9. Taking note of the minor nature of punishment viz., "censure" imposed on the respondent, we are of the view that the appellants are not justified in denying the respondent the benefit of regularising the period of suspension. The learned Judge also, taking note of the minor punishment imposed on the respondent, issued a direction to the appellants to regularise the period of suspension. We do not find any infirmity in the order passed by the learned Judge.

10. In the result, the writ appeal is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.10044 of 2024 is closed.

(R.M.D., ACJ.) (M.S.Q., J.)
03.06.2024

Index : Yes/No
NC : Yes/No

sasi/rsh



WEB COPY



WA No. 1404 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
and
MOHAMMED SHAFFIQ, J

(sasi)/rsh

WA No. 1404 of 2024

03.06.2024