



W.P.No.9253 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.9253 of 2021

P.Rajeshwari

... Petitioner

Vs.

1.The Joint Director of Primary School Education,
Office of Joint Director Primary School Education,
Chennai - 06.

2.The District Education Officer,
District Education Office,
Thiruchenkodu.

3.The Assistant Primary Education Officer,
Paramathi, Namakkal District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to pass necessary order permitting the petitioner to avail encashment of leave during the tenure from 01.08.2012 to 10.02.2013 and other increment benefits as quoted in the proceedings vide Na.Ka.No.909/A1/2012 dated 27.02.2017 passed by the third respondent within a time frame as may be fixed by this Court.

For Petitioner : Ms.Sneha for



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Mr.T.K.S.Gandhi
For Respondents : Mr.P.Gurunathan, AGP

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the second respondent to pass necessary order permitting the petitioner to avail encashment of leave during the tenure from 01.08.2012 to 10.02.2013 and other increment benefits as quoted in the proceedings vide Na.Ka.No.909/A1/2012 dated 27.02.2017 passed by the third respondent within a time frame as may be fixed by this Court.

2. Heard Ms.Sneha, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for the respondents.

3. The petitioner who was working as a Head Mistress in the third respondent School was suspended from service during the period from 01.08.2012 to 10.02.2013 on certain allegations of misconduct. Subsequently, the order of suspension was cancelled and she joined the services on 11.02.2013.

4. The second respondent has passed an order on 13.11.2014 by



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stopping two increments due to the petitioner for a period between 01.08.2012 to 10.02.2013. The petitioner preferred an appeal before the first respondent against the said order and the first respondent had issued an order on 29.12.2016 in Na.Ka.No.1773/D3/2015 that increments for 15 months shall be stopped and the suspension period from 01.08.2012 to 10.02.2013 shall be regularised by treating the same as Earned Leave.

5. Subsequently, third respondent *vide* the impugned proceedings dated 27.02.2017 passed an order treating the period between 01.08.2012 and 10.02.2013 as eligible Earned Leave and that the petitioner is entitled for an annual increment. Consequently, the petitioner gave a representation to the second respondent to implement the above order passed by the third respondent. But so far, her representation has not been considered.

6. The learned Additional Government Pleader for the respondents submitted that on 12.03.2024, orders have been passed by implementing the above order of the third respondent by treating the period between 01.08.2012 and 10.02.2013 as eligible Earned Leave and also by allowing



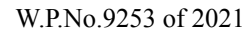
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the annual increment after expiry of punishment period of 15 months. The petitioner has also been given with the benefit of increment and due disbursement have also been made.

7. In view of the above order of the second respondent dated 12.03.2024, this Writ Petition itself has become infructuous and hence the same is closed. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

12.03.2024



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