



W.P.No.18993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18993 of 2024

M. Sivakumar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. By its Secretary to Government,
Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of Elementary Education,
D.P.I. Building, Chennai – 600 006.
3. The District Education Officer (Elementary),
Dharmapuri, Dharmapuri District.
4. The Block Development Officer (Elementary),
Palacode Block Dharmapuri District – 636 808.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the fourth respondent to implement his order in Na. Ka. No. 596/2/2020 dated 19.11.2021 and pay back all service and monetary benefits for a period from 02.04.2018 to 05.03.2019 total number of 337 days.



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For Petitioner : Mr. D.Charlesmuthushanthan

For Respondents : Mrs. S.Mythreye Chandru,
Special Government Pleader

ORDER

The Writ Petition has been filed to direct the fourth respondent to implement his order in Na. Ka. No. 596/2/2020 dated 19.11.2021 and pay back all service and monetary benefits for a period from 02.04.2018 to 05.03.2019 total number of 337 days.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner was appointed as a Secondary Grade Teacher on 25.10.2004 at Panchayat Union Primary School, Gendinahalli, Palacode. Following a complaint lodged by his father-in-law, the petitioner was suspended from service, which he challenged before this Court in W.P. No. 10045 of 2018. This Court quashed the suspension order dated 13.12.2018. Meanwhile, the petitioner was served with a charge memo. After



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reinstatement, the petitioner submitted a detailed explanation to response to the charge memo. However, without considering this explanation, an enquiry was conducted resulting in a punishment of two years increment cut with cumulative effect. The petitioner challenged said order of punishment dated 19.02.2021 before this Court in W.P. No. 965 of 2022, and this Court quashed the order of punishment by order dated 24.01.2023. Nevertheless, the petitioner was not paid subsistence allowance during the suspension period. Subsequently, the petitioner made a representation to regularize the suspension period as duty and pay back all service and monitory benefits.

4. On a perusal of the records, it reveals that the fourth respondent, by order dated 19.11.2021, treated 27 days as earned leave, 90 days as unearned leave and 220 days from 02.04.2018 to 05.03.2019 as leave of loss of pay. However, so far, the petitioner has not been paid any amount for those periods. Therefore, the petitioner submitted representation and it is still pending.

5. In view of the above, the third and fourth respondents are directed to implement order dated 19.11.2021, within a period of four weeks



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from the date of receipt of a copy of this order.

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6. With the above directions, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Neutral Citation: Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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