



WP.(MD).No.889 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.889 of 2024
and
W.M.P.(MD)No.908 of 2024

R.Velmurugan

... Petitioner

Vs.

1.The Joint Director of School Education(Higher Secondary),
Office of Joint Director of School Education,
Chennai – 6.

2.The Chief Educational Officer,
Office of the Chief Education,
Virudhunagar District.

3.The Headmaster,
Government Higher Secondary School,
Paganeri, Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relates to the impugned proceedings bearing Na.Ka.No.077137/W2/E3/2023 dated 18.12.2023 issued by the first respondent and quash the same and consequently direct the first respondent to consider and pass order on the appeal filed by the petitioner dated 01.12.2023 on merits.



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For Petitioner : Mr.M.Gnana Guru Nathan
For Respondents 1 to 3 : Mr.P.T.Thiraviyam
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings bearing Na.Ka.No.077137/W2/E3/2023 dated 18.12.2023 issued by the first respondent and to direct the first respondent to consider and pass order on the appeal filed by the petitioner dated 01.12.2023.

2.Heard Mr.M.Gnana Guru Nathan, learned counsel appearing for the petitioner, Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 1 to 3 and perused the entire materials available on record.

3.The petitioner is working as a Post Graduate Assistant (Biology) in the third respondent School. Vide proceedings dated 22.03.2022, the second respondent issued a charge memo against the petitioner for three counts of charges. For which, the petitioner duly submitted his explanations on 30.03.2022. However, rejecting



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the said explanation, the second respondent placed the petitioner under suspension. Thereafter, the first respondent vide proceedings dated 28.09.2022, had set aside the order of suspension and reinstated the petitioner into service. After reinstatement, the second respondent vide proceedings dated 26.10.2022, had imposed a punishment of stoppage of increment for two years with cumulative effect on the basis of Enquiry Officer's report. As against the said order, the petitioner preferred an appeal dated 01.12.2023, before the first respondent. However, the first respondent without considering the appeal on merits has rejected the same on the grounds of limitation. Hence, this Writ Petition came to be filed.

4.The learned counsel for the petitioner vehemently submitted that the petitioner has been visited with a charge memo and on receipt of explanation from the petitioner, the petitioner was placed under suspension and thereafter, reinstated on 28.09.2022. Following which, the second respondent imposed a punishment of stoppage of increment for two years with cumulative effect under Rule 8 of Tamil Nadu Civil Service (Disciplinary and Appeal) Rules, 1955. However, the provision under Section 19 of the aforesaid



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Rules do not contemplate any limitation for preferring an appeal as against the same. In view of the same, the order of rejection of appeal submitted by the petitioner on the grounds of limitation is unwarranted and sought for interfere by this Court.

5.Per contra the learned Government Advocate Mr.P.T.Thiraviyam, fairly conceded and submitted that the matter may be remanded back to the first respondent for re-consideration.

6.In view of the same, rightly appreciating the submission of the petitioner that Rule 19 of Tamil Nadu Civil Service (Disciplinary and Appeal) Rules, 1955, do not contemplate limitation for preferring appeal as against the punishment imposed under Rule 8 of the aforesaid Rule, I hereby quash the impugned order and remand back the same to the first respondent for passing appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.



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7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

1. The Joint Director of School Education(Higher Secondary),
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L.VICTORIA GOWRI, J.

Mrn

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