



W.P.(MD).No.2598 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2598 of 2021

and

W.M.P.(MD)No.2133 of 2022

K.Periyasamy

... Petitioner

Vs.

1.The Chief Educational Officer,
Trichy District.

2.The District Educational Officer,
Trichy District.

3.The Correspondent,
C.E. Higher Secondary School,
Vannarapet, Puthur,
Trichy-17.

4.M.James,
The Correspondent,
C.E. Higher Secondary School,
Vannarapet, Puthur,
Trichy-17.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records relating to the impugned order passed by the 3rd respondent dated 26.11.2020 and quash the same, consequently to reinstate the petitioner into service with pay all back wages and other service and monitory benefits within the time limit.

For Petitioner : Mr.D.Selvanayagam
For R-1 & R-2 : Mr.M.Sarangan,
Additional Government Pleader
For R-3 : Mr.K.Ragadeesh Kumar,
for Issac Chambers
For R-4 : No appearance

ORDER

This writ petition has been filed seeking to quash the impugned order passed by the 3rd respondent dated 26.11.2020, consequently to reinstate the petitioner into service with pay all back wages and other service and monitory benefits.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner was appointed to the post of Office Assistant on 16.03.1989 and he continued in service till 20.02.2015. Thereafter, he was visited with several charge memos. Following which, on 17.03.2016, he was suspended from service. He was provided with subsistence allowance during the period of suspension and the departmental enquiry was initiated as against him and the charges were held proved in the disciplinary proceedings. Accordingly, the petitioner was removed from service, vide order, dated 26.11.2020 passed by the 3rd respondent. Challenging the same, the writ petitioner has filed this writ petition.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted an undertaking affidavit requiring the 3rd respondent to modify the order of dismissal from service, dated 26.11.2020 to one of punishment of compulsory retirement and sent his pension proposal to the 2nd respondent. The 3rd respondent in response to the said proposal submitted that the 3rd respondent is ready to consider the plight of the petitioner and modify the imposed punishment as one of dismissal from service into compulsory retirement provided the petitioner should come forward to repay



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the full subsistence allowance to the tune of Rs.7,86,043/- (Rupees Seven Lakhs Eighty Six Thousand and Forty Three only) without interest in a single slot to the 3rd respondent and on receipt of the same, the impugned punishment of removal from service dated 26.11.2020 would be modified by the 3rd respondent as one of compulsory retirement. Following which, the pension proposal would be forwarded to the 2nd respondent.

4. In view of the understanding arrived between the petitioner and the 3rd respondent, this Court hereby quash the impugned order of punishment passed by the 3rd respondent, dated 26.11.2020, thereby directing the 3rd respondent to modify the punishment of termination from service as one of compulsory retirement on payment of Rs.7,86,043/- (Rupees Seven Lakhs Eighty Six Thousand and Forty Three only) by the petitioner on or before 14.08.2024 to the 3rd respondent.

5. The 3rd respondent on receipt of the same, would modify the punishment of dismissal from service to one of compulsory retirement. Following which, the 3rd respondent would forward the pension proposal to the



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2nd respondent. It is made clear that the petitioner would not be entitled for any back wages.

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

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Chief Educational Officer,
Trichy District.
- 2.The District Educational Officer,
Trichy District.



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L.VICTORIA GOWRI, J.

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