



WP(MD) No.16658 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16658 of 2024

and

W.M.P(MD)Nos.14425 & 14426 of 2024

A.Ravikumar

... Petitioner

Vs.

1. The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600009.

2. The Director / Commissioner,
Commissionerate of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai - 600006.

3. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Sri Pragathambal Government Higher Secondary School Campus,
Pudukkottai - 622001.



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4. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Panagal Building,
Thanjavur – 613 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings in Na.Ka.No.336/C1/E3/2013 dated 30.05.2024 by the 2nd Respondent and consequent impugned notice issued by the 4th Respondent in Na.Ka.No. 7112/Aa2/2013 dated 24.06.2024, examine its legality and validity, and quash the same as illegal and consequently directing the Respondents to settle all the retirement monetary benefits arising in consequential retirement order of the petitioner dated 10.04.2024 vide proceedings in Na.Ka.No. 336/C1/E1/2013.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the



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impugned proceedings in Na.Ka.No.336/C1/E3/2013 dated 30.05.2024 by the 2nd Respondent and consequent impugned notice issued by the 4th Respondent in Na.Ka.No.7112/Aa2/2013 dated 24.06.2024, examine its legality and validity, and quash the same as illegal and consequently directing the Respondents to settle all the retirement monetary benefits arising in consequential retirement order of the petitioner dated 10.04.2024 vide proceedings in Na.Ka.No. 336/C1/E1/2013.

2. Heard Mr.P.Kalaiyarasi Bharathi, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has been given with a show-cause notice, dated 26.04.2024 to make his submission on the findings given by the Enquiry Officer in respect of the disciplinary proceedings initiated against him, in pursuant to the charge memo issued to him.



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5. The learned counsel for the petitioner submitted that in fact the order has been passed in pursuant to the above enquiry on 10.04.2024, wherein, it is proposed that the petitioner can be imposed with a punishment of reduction of Rs.500/- from his pension for six months. It is stated that the petitioner has accepted the said punishment and hence, the issuance of second impugned show-cause notice is unnecessary.

6. The learned Government Advocate submitted that in the earlier order dated 10.04.2024, no final order has been passed, as the petitioner has made his submission.

7. However, the petitioner has stated that he has sent the acceptance letter as early as on 03.05.2024. On a perusal of the order, dated 10.04.2024 also, it is seen that the very same reference has been made in both the proceedings. If the earlier disciplinary proceeding has almost completed and the appropriate authority has also come to the conclusion about the proposed punishment and the petitioner also



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accepts the same, it is unnecessary to issue the second show-cause notice.

8. However, it is for the fourth respondent to verify the records and to conclude the proceedings, dated 10.04.2024 and after ascertaining the genuineness and the jurisdiction of the authorities concerned in issuing the same, shall pass further orders.

9. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
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