



W.A(MD)No.1097 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A(MD)No.1097 of 2014
and
M.P(MD)Nos.1 of 2014 and 1 of 2015

S.Rasalam

... Appellant

vs.

1. The Commissioner,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai-600 005.

2. The District Collector,
Office of the District Collector,
Nagercoil, Kanyakumari District.

3. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

4. The Head Master,
Government Tribal Residential
Higher Secondary School,
Pechiparai, Kanyakumari District.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order
dated 13.08.2014 made in W.P(MD)No.4683 of 2013.

For Appellant : Mr.J.Gunaseelan Muthiah

For R1 to R3 : Mr.A.K.Manikkam, Special Government Pleader



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J U D G M E N T

WEB CO **G.JAYACHANDRAN, J.**
and
C.KUMARAPPAN, J.

The appellant herein who was working as a Teacher in the Government Tribal Residential Higher Secondary School, was placed under suspension by the District Collector since he had marshaled 8 students in the uniform before the District Collector without the permission of the parents and the Headmaster resulting in registration of FIR against him. Being aggrieved by the suspension order issued by the District Collector, the appellant filed writ petition challenging the order of suspension on the ground that the District Collector is not the competent authority to take departmental action against him and to issue suspension order since he comes under the Adi Dravidar and Tribal Welfare Department.

2. The writ petition was dismissed by this Court taking note of the fact that subsequent to the order of suspension, the Director, Adi Dravidar and Tribal Welfare Department, has initiated departmental proceedings against the appellant under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Thus, the difficulty if any



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in placing the appellant under suspension had been cured and ratified by the subsequent action of the Director, Adi Dravidar and Tribal Welfare Department. Being aggrieved by the dismissal of the writ petition, present appeal filed and it is pending for the past ten years.

3. Today, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that on 31.05.2017, the appellant was permitted to retire on attaining the age of superannuation. The departmental proceedings initiated under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules were dropped as charges levelled against the appellant were not proved which has enabled the appellant to retire from service.

4. In the light of the above fact, nothing survives in the appeal. Hence, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(G.J., J.) (C.K., J.)
13.02.2024

Index : Yes / No
Neutral Citation : Yes / No



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JUDGMENT MADE IN
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