



W.P.No.9479 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.9479 of 2025

M.G.Bhuvaneswari

... Petitioner

Vs.

1.The Director,
Institute of Road Transport,
100ft road, Tharamani,
Chennai – 600 113.

2.The Principal/Dean,
Government Erode Medical College and Hospital,
Perundurai,
Erode District – 638 053.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue appropriate orders to regularise the period of suspension of the petitioner herein, from 01.12.2004 till 05.01.2006, in accordance with the relevant rules and regulations by taking into consideration the order passed in the case of a co-delinquent Thiru S.Arthanareeswaran, issued by the 1st respondent herein in Letter No.367/04/IRT/2006 dated 08.08.2014, implement by the 2nd



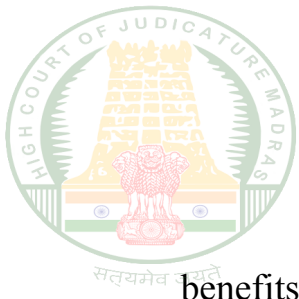
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respondent herein vide Proc.No.569/E2/IRT/PMCH/2014 dated 23.12.2014 and pass appropriate consequential orders granting her special grade scale of pay, Super grade scale of pay and all other consequential monetary and attendant benefits which are due and payable to the petitioner within a limited time frame.

For Petitioner : M/s.V.Pooja
for Mr.M.Ravi
For Respondents : Mr.K.Tippu Sultan
Government Advocate

ORDER

The instant writ petition has been filed with a prayer for issuing a Mandamus directing the respondents to issue appropriate orders to regularise the period of suspension of the petitioner herein, from 01.12.2004 till 05.01.2006, in accordance with the relevant rules and regulations by taking into consideration the order passed in the case of a co-delinquent Thiru S.Arthanareeswaran, issued by the 1st respondent herein in Letter No.367/04/IRT/2006 dated 08.08.2014, implement by the 2nd respondent herein vide Proc.No.569/E2/IRT/PMCH/2014 dated 23.12.2014 and pass appropriate consequential orders granting her special grade scale of pay, Super grade scale of pay and all other consequential monetary and attendant



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benefits which are due and payable to the petitioner.

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

3. The learned counsel for the petitioner submitted that he joined as a Pharmacist on a consolidated pay on 25.04.1990, at IRT Perundurai Medical College Hospital, and was regularized on 01.01.1993. Meanwhile, the petitioner was suspended on 02.12.2004, and thereafter, by intervention of this Court, vide interim order dated 05.01.2006, he was allowed to rejoin as a Pharmacist on 06.01.2006. It is the further submission of the learned counsel for the petitioner that, though he was allowed to rejoin, the period of his suspension from 01.12.2004, to 05.01.2006, has not been regularized. In this connection, the second respondent has already sent a proposal to the first respondent, whereas the first respondent is yet to take a call on the matter.

4. At this juncture, the learned Government Advocate appearing for the respondents submitted that the second respondent has already recommended regulating the suspension period from 01.12.2004, to 05.01.2006, vide order dated 31.07.2024.



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5. It is pertinent to mention here that whenever a person is suspended and thereafter allowed to rejoin, there is a duty cast upon the disciplinary authority to regulate the suspension period, either treating it as a loss of pay, adjusting it against exhausting leave, or considering it with pay, in accordance with the relevant rules. However, the first respondent has not opted for such a course since 31.07.2024, for reasons best known to him.

6. At this juncture, it is pertinent to mention that the co-delinquent of the petitioner, one S. Arthanareeswaran, had his suspension period regulated. However, such benefit was not extended to the petitioner. Therefore, this Court is of the indubitable opinion that the petitioner should be treated equally to the co-delinquent, and since the second respondent has sent a proposal, the first respondent's failure to pass any order based on the proposal sent is not appreciable.

7. In view of the above, this Court deems it appropriate to direct the first respondent to regulate the suspension period of the petitioner from 02.12.2004 to 05.01.2006, and pass orders on its own merits and in



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accordance with the applicable rules within a period of four weeks from the date of receipt of a copy of this order. However, the respondents are directed to pay all eligible amounts to the petitioner, if she is otherwise eligible, within the above period.

8. In the result, this Writ Petition is disposed of with the above directions. No costs.

07.08.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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C.KUMARAPPAN, J.

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