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W.P.No.16178 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

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THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.No.16178 of 2025

P.K.Marshall Tito

... Petitioner

Vs.

1. The Director,
The Institute of Road Transport,
100 Feet Road, Taramani,
Chennai – 600 113.

2. The Dean,
IRT Perundurai Medical College and Hospital,
Perundurai, Erode District.
Now renamed as
The Director of Medical Education,
Government Erode Medical College & Hospital,
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Se.Mu.Letter No.9181/Ne3/2022 dated 03.04.2024 and the consequential proceedings of the second respondent in Na.Ka.No.4962/Ne3/2024 dated 09.12.2024 and quash the same and consequently direct the respondents to treat 277 days



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period of suspension as duty period with salary by giving effect to the order made in W.A.No.1587 of 2018 dated 23.08.2018 for all purposes including pay and allowances and to disburse the pending service monetary benefits including gratuity together with interest to the petitioner.

For Petitioner : Dr.R.Gouri
For Respondents : Mr.R.Sasikumar,
Government Advocate (for R1)

ORDER

This Writ Petition has been filed challenging the impugned orders dated 03.04.2024 and 09.12.2024 passed by the second respondent.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first respondent and perused the materials available on record.

3. The primary contention of the learned counsel for the petitioner is that prior to the impugned order, the second respondent had already regulated the suspension period vide order dated 30.12.2022. According to this order, the suspension period of 560 days was regulated by deducting 252 days from the petitioner's earned leave, 295 days from medical leave, and



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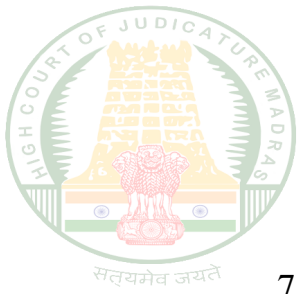
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treating 13 days as without pay. The learned counsel for the petitioner contends that the second respondent passed the order dated 31.12.2022, without giving notice to the petitioner and later revised it through orders dated 03.04.2024, and 09.12.2024.

4. When this Court put a pertinent question to the learned Government Advocate, as to whether any notice was issued prior to passing the impugned orders. The learned Government Advocate appearing for the first respondent fairly submitted that there is no reference to the issuance of any notice to the petitioner in the impugned order.

5. I have given my anxious consideration to either side submissions.

6. From the above submission and upon perusing the impugned orders, this Court is of the firm view that prior to issuing the impugned orders, which revises the earlier order dated 31.12.2022, the second respondent should have issued a notice to the petitioner explaining why they are revising the earlier order and sought an explanation. However, such a mandatory requirement is notably absent in this case.



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7. In view of the matter, this Court deems it appropriate to interfere with the impugned orders. Accordingly, the impugned orders dated 03.04.2024, and 09.12.2024, are hereby quashed, and the matter is remitted back to the second respondent for fresh consideration in accordance with law, and the second respondent is directed to complete the exercise within a period of six weeks from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is allowed as indicated above. No costs.

10.07.2025

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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C.KUMARAPPAN, J.

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