



WEB COPY

W.A.No. 674 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 674 of 2025
and
C.M.P.No. 5584 of 2025

1.The Chief Educational Officer,
Mayiladuthurai District, Mayiladuthurai.

2.The District Educational Officer,
(Secondary) Mayiladuthurai District,
Mayiladuthurai.

... Appellants

Vs.

1.K.Rajkumar

2.The Secretary,
K.S.O. Government Aided High School,
Manganallur,
Mayiladuthurai & District - 609 404.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 05.03.2024 made in W.P.No.5667 of 2024.

For Appellants : Mr.R.Neethi Perumal
Government Advocate

For Respondents : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan
Mr.R.Kannan for R2



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J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

This is yet another unnecessary appeal by the Government.

2. The 1st respondent, who was working as a Secondary Grade Teacher was promoted as a Graduate Teacher from 18.05.2004. He was suspended on certain charges. Ultimately, the charge memo was quashed by this Court and a Division Bench, by its order dated 29.01.2019 made in W.A.No.54 of 2019 directed reinstatement of the 1st respondent as a Graduate Teacher without back wages but, with continuity of service.

3.Pursuant to the order of the Division Bench, the 1st respondent was reinstated on 15.02.2019. However, in the month of December, 2019, in the guise of fixing salary of the 1st respondent, the same was fixed on the basis of the last drawn salary before his suspension in the year 2004. Claiming that he would be entitled to notional fixation of salary from the date of suspension, the petitioner sought for a mandamus. The writ Court upheld the claim of the petitioner on the ground that the issue is covered by the earlier order of the Division Bench dated 29.01.2019.

4.The learned Government Pleader would contend that the 1st respondent was working elsewhere, during the period of suspension. Even assuming the same to be true, the 1st respondent will only lose the right to



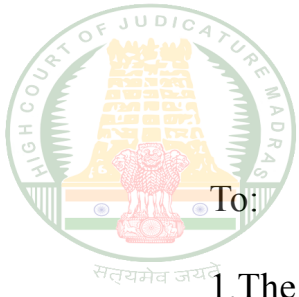
claim back wages. Once a Division Bench has held that the 1st respondent is entitled to be reinstated with continuity of service, it goes without saying that his salary must be notionally fixed on the basis that he was in service for the entire period from the date of suspension till date of reinstatement. This is what has been directed by the writ Court.

5. Hence, we see no reason to interfere with the order of the writ Court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed. The respondents will re-fix the salary of the 1st respondent as per the direction of the Division Bench granting continuity of service from the date of suspension till date of reinstatement and pay the monetary benefits due to the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order.

(R.S.M., J.) (G.A.M., J.)
12.03.2025

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Index: No
Speaking order
Neutral Citation : No



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