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W.A.No. 908 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

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

W.A.No. 908 of 2025
and
C.M.P.No. 7687 of 2025

District Education Officer,
having its Office at
Government Boys Higher Secondary School,
Chrompet,
Chennai - 600 044.

...Appellant

Vs.

1.G.Jayabai

2.The Correspondent,
St.Joseph Higher Secondary School,
Vettuvankeni, Neelangarai,
Chennai - 600 041.

.... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 07.06.2023 made in W.P.No.5448 of 2022.

For Appellant : Mr.U.M.Ravichandran
Special Government Pleader

For Respondents : Mr.V.Chandrakanthan for R1
Ms.H.Mary Sowmi Rexi
for M/s.Isaac Chambers for R2



J U D G M E N T

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

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The Government is on appeal, aggrieved by the directions issued by the learned single Judge to pay salary for the petitioner from 18.06.2012.

2. The petitioner was suspended from service for his alleged involvement in a criminal case on 18.06.2012. A criminal case was registered against the petitioner. The Management however, framed charges against the petitioner and conducted a departmental enquiry. The petitioner was placed under suspension between 18.06.2012 and 10.01.2013. On conclusion of the departmental enquiry, the Management imposed a punishment of stoppage of increment for one year and treated the suspension also as punishment. The petitioner re-joined duty on 11.01.2013. The criminal case ended in acquittal on 03.12.2019. Claiming that he was not paid salary from 18.06.2012 to 03.12.2019, the petitioner moved the writ Court seeking a mandamus for payment of salary. The writ Court had directed payment of salary from 18.06.2012, till the date of acquittal in the criminal case as it found that the department is liable to pay salary and it has not paid the same.



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3. We have heard Mr.U.M.Ravichandran, learned Special Government Pleader for the appellant, Mr.V.Chandrakanthan, learned counsel for the 1st respondent / petitioner in the writ petition and Ms.Mary Sowmi Rexi for M/s. Isaac Chambers for the 2nd respondent.

4. Mr.U.M.Ravichandran, learned counsel for the appellant, relying upon Rule 17 of the Tamil Nadu Recognized Private Schools Regulation Rules, would contend that the liability to pay subsistence allowance during the period of suspension, if the suspension exceeds the period of two months, is on the Management and therefore, a direction issued to pay salary for the period of suspension is not justified. We have examined Rule 17. Rule 17(3) reads as follows:- Page 96 book.

5. It is not in dispute that the petitioner was suspended on 18.06.2012 and the suspension was revoked on 10.01.2013. The petitioner resumed to work from 11.01.2013. The period of suspension i.e., between 18.06.2012 and 10.01.2013 has been treated as punishment. Therefore, neither the Management nor the authority is liable to pay the salary for that period of



six months. Once the suspension has been revoked and the petitioner has been reinstated into service, he is entitled to salary from the date of reinstatement. Rule 17(3) does not deal with payment of salary, after revocation of suspension.

6. The learned Special Government Pleader for the appellant would submit that the department is liable to pay salary only after the date of acquittal by the criminal Court. We are unable to agree with the said submission. Once a person charged with a criminal offence is acquitted by the criminal Court, it is deemed that he never committed an offence therefore, salary cannot be denied to him on the basis of the pendency of a criminal case. The question will be different, if the petitioner has been found guilty of some offence and had been punished.

7. In the case on hand, there is an honourable acquittal and it is not in dispute that the petitioner has served from 11.01.2013. Therefore, it is the duty of the Authorities to pay salary from 11.01.2013. In the communication by the School dated 28.07.2020, it has been clearly stated that salary is claimed only from 11.01.2013. Therefore, the inaction on the



part of the Authorities in paying salary from 11.01.2013 to 03.12.2019, date of acquittal by the criminal Court is not justified.

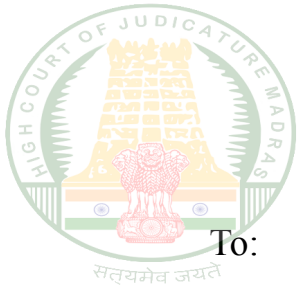
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8. Hence, this Writ Appeal is **disposed of** with a direction to the Authorities to pay the salary for the petitioner from 11.01.2013 till the date, on which, the salary was paid namely, after the acquittal in the criminal proceedings. The Authorities will give effect to the punishment imposed, namely, a cut in increment for one year while calculating the salary payable. The salaries shall be paid within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
27.03.2025

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Index: No
Speaking order
Neutral Citation : No



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