



W.A.(MD)No.1648 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1648 of 2025
and
C.M.P.(MD)No.9234 of 2025**

1. The Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Complex College Road,
Nungambakkam,
Chennai - 600 006.
 2. The Chief Educational Officer,
Pudukottai,
Pudukkottai District.
 3. The Headmaster,
Government Higher Secondary School,
Nagudi, Pudukottai District.
 4. The Headmaster,
Government Model Higher Secondary School,
Aranthangi,
Pudukottai District.
- ... Appellants

Vs.

M.Jeyadavadossar

... Respondent



W.A.(MD)No.1648 of 2025

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.22070 of 2024 dated 18.10.2024 on the file of this Court.

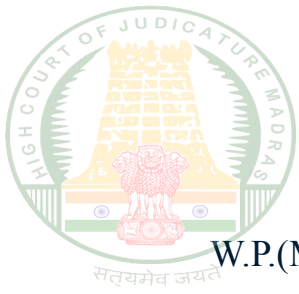
For Appellants : Mr.C.Venkateshkumar,
Spl. Government Pleader.

For Respondent : Mr.B.Karunanithi

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The first respondent herein is working as Secondary Grade Teacher in Government Higher Secondary School, Nagudi. He was issued with charge memo on 14.06.2016. He was also suspended from service. The charge memo was quashed by this Court vide order dated 10.10.2022 in W.P.(MD)No.15078 of 2022. This order has become final. The suspension order dated 02.06.2016 was revoked on 14.09.2017. Seeking regularization of the suspension period and for conferment of the monetary benefits, the first respondent herein filed



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W.P.(MD)No.29861 of 2023. The writ petition was disposed on 18.12.2023 in the following terms:-

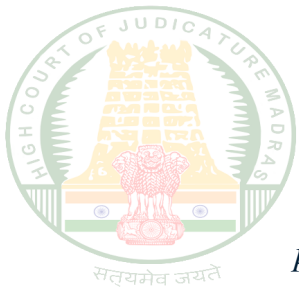
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“3.Since the charge memo has already been quashed, the authorities have to pass orders regularising the period of suspension between 02.06.2016 and 14.09.2017.

4.In view of the above said facts, the third respondent herein is directed to pass orders regularising the period of suspension of the petitioner between 02.06.2016 and 14.09.2017 as duty period, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

This order has also attained finality. Instead of treating the suspension period as duty period and paying the consequential benefits, the department chose to adjust the said period against the writ petitioner's eligible leave. That led to filing of one more writ petition in W.P.(MD)No.22070 of 2024. The learned Single Judge vide order dated 18.10.2024 allowed the writ petition in the following terms:-

“7. A perusal of the typed set of papers indicates that the charge memo as against the petitioner on 14.06.2016 has been quashed by this Court, dated 10.10.2022. When the petitioner has approached this Court in W.P(MD) No. 29861 of 2023 for regularizing the period of suspension, this Court by an order dated 18.12.2023 had directed the authorities to treat the said



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period as a duty period. However, in violation of the said orders, the instant impugned order has been passed by the authorities treating the suspension period as eligible leave period.

8. In view of the above said facts, the order impugned in the writ petition is not sustainable and therefore, the same is set aside and the authorities are directed to regularize the period of suspension of the petitioner as duty period and pass orders accordingly.”

Questioning the same, this writ appeal has been filed.

3.We do not see any merit in this writ appeal. When the order dated 18.12.2023 made in W.P.(MD)No.19861 of 2023 has become final and the department was mandated to regularize the period of suspension as duty period, the authorities ought to have complied with the same then and there. Therefore, this writ appeal has to be dismissed. The appellants are given four weeks to comply with the order of the learned Single Judge.

4.We cannot however help making one observation. The writ petitioner without serving the institution has to be paid the full pay and



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other benefits. This is not a case in which we can invoke the principle of “no work no pay” also. Therefore, the authorities would do well to bear in mind as to how long they should keep a suspension order alive. The moment, they find that there is no purpose in keeping the suspension alive, they must immediately revisit and revoke the same. We are constrained to make this observation in view of the financial implication for the public exchequer.

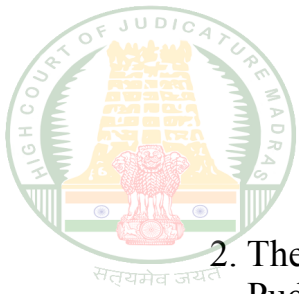
5. With the aforesaid observation, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
24.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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