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REV. APLW.(MD) No.196 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM:

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

REV. APLW.(MD) No.196 of 2023

and

W.M.P.(MD)No.19235 of 2023

V.Nagaraj Kannan

... Petitioner

vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

2.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

3.The Secretary,
KHN Nadar Higher Secondary School,
Perunali, Kamuthi Taluk,
Ramanathapuram District.

... Respondents

Review Application is filed under Article 226 of Constitution of India read with Section 114 and Order 47 Rule 1 and 2 of C.P.C. to review as against the order made in Writ Petition(MD) No.1647 of 2015, dated 10.04.2023, by this Court.



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For Petitioner : Mr.Ananth C Rajesh
For R1 and R2 : Mr.V.Om Prakash
Government Advocate
For R3 : Mr.N.Dilip Kumar

ORDER

The present Review Application has been filed by the writ petitioner to review of the order dated 10.04.2023 passed in W.P.(MD)No.1647 of 2015. The writ petition was filed for Mandamus to direct the third respondent to pay the eligible full salary for the entire period of suspension from 27.03.2012 till the date of dismissal from service dated 12.04.2014. The said writ petition was dismissed. The present review is filed alleging there is error apparent on the face of the record.

2. The contention of the review applicant is that he is entitled to full salary for the suspension period. But the respondent School has paid only 50% of the salary. The said contention was refuted by the school management and submitted that disciplinary proceedings was initiated against the petitioner. The charges against the petitioner are that the petitioner came to school inebriated mode and misbehaved with girl children. Hence, the petitioner was dismissed from service after due enquiry. The said punishment was confirmed by the Learned Single Judge of this



Court and also by the Hon'ble Division Bench of this Court. Now, the claim of the petitioner is that he is entitled to full salary.

3. When the petitioner was finally dismissed from service and his service was not regularized for the suspension period, he is not entitled to full salary for the suspension period. Infact the said plea was considered by this Court in writ petition and has dismissed the plea of the writ petitioner. Further as held earlier when the petitioner was dismissed without regularising the suspension period, then the petitioner is not entitled to full salary.

4. As far as the Employee's Provident Fund is concerned, the respondent had already to EPF office. Therefore, the respondent school is directed to furnish the details of the EPF deposit. thereafter the petitioner shall approach the concerned EPF Officer and the said EPF Officer shall consider the same and disburse the amount as per law. If there is any advance or other amounts, the same shall be deducted.



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5. With the above said observations, the review application is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

Index: Yes / No

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S.SRIMATHY, J.

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