



WEB COPY



W.P.No.9955 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.9955 of 2020
and WMP.Nos.12106 of 2020 and 22710 of 2020

S.Kamaraj

... Petitioner

vs

1.The Director of School Education
DPI Campus, College Road,
Chennai – 600 006.

2.The Chief Educational Officer
Perambalur District, Perambalur

3.The District Educational Officer
Veppur District Educational Office,
Perali, Perambalur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records from the 2nd respondent pertaining to the impugned proceedings Na.Ka.No.13341/A1/2019 dated 22.01.2020 and its consequential proceedings Na.Ka.No.2331/A4/2019 dated 02.03.2020 issued by the 3rd respondent and quash the same.

For Petitioner : M/s.C.Jenifer
for Mr.P.Vijendran

For Respondents : Mrs.P.Rajarajeswari, GA



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ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the records.

2. The petitioner by the present writ petition assailed the action of the 2nd respondent in issuing the impugned proceedings vide Na.Ka.No.13341/A1/2019 dated 22.01.2020 which is followed up by the 3rd respondent vide proceedings vide Na.Ka.No.2331/A4/2019 dated 02.03.2020 as being illegal and arbitrary and without taking into consideration the appeal filed by the petitioner on 04.09.2018, which remains unconsidered.

3. The petitioner contended that he had filed an appeal before the 2nd respondent on 04.09.2018 against the proceedings dated 09.07.2018; that the said appeal remains to be disposed of, whereby the petitioner had sought for considering the 39 days leave as Medical Leave and remaining leave from 01.07.2017 to 06.04.2018 as other type of leave.



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4. It is further case of the petitioner that the respondents without disposing of the appeal filed by the petitioner, if are permitted to make recovery terms of the recovery proceedings issued by the respondents 2 and 3, the appeal not only would become redundant, but in the event of petitioner succeeding therein, the petitioner would have to run from pillar to post for recovery of the amount recovered by the respondent under the impugned proceedings.

5. The respondent by the counter affidavit do not dispute the fact of the appeal filed by the petitioner remains to be considered. However, it is contended that since, the petitioner was due for retirement on 30.04.2020. The respondents have issued the impugned proceedings seeking to recover the amounts as mentioned in the impugned proceedings from the petitioner's terminal benefits.

6. On behalf of the respondents, it is further contended that the appeal proceedings are independent of the present proceedings and therefore, the petitioner on the basis of pendency of the appeal, cannot claim that the respondents are prevented from taking steps for recovery of the amount under the impugned proceedings.



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7. I have taken note of the respective contentions urged.

8. This Court while admitting the writ petition had granted interim stay of recovery sought to be effected by the respondents under the impugned proceedings as the claim of the petitioner for treating the absence period as Medical leave and other leave is pending consideration in appeal from the year 2018. Even though, more than 5 years have passed by since, then the position continues to be the same, and the appeal has not been disposed. As this Court had granted interim stay restraining the respondents from giving effect to the impugned proceedings on the ground of pendency of appeal filed on 04.09.2018, this Court is of the view that the respondents are to be restrained from giving effect to the impugned proceedings till the disposal of the appeal, which is stated to be pending before the 2nd respondent.

9. Further, this Court is also of the view that since, the appeal filed by the petitioner in the year 2018 is stated to be pending consideration, before the 2nd respondent, the said authority is to be directed to dispose of the appeal in a time bound manner before giving effect to the impugned order.



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10. Accordingly, the second respondent is directed to dispose of the appeal filed on 04.09.2018 within a period of three months from the date of receipt of copy of this order, after affording the opportunity of hearing to the petitioner. It is only after disposing of the appeal by the 2nd respondent, the respondents can give effect to the impugned proceedings in the event of the petitioner not succeeding in the appeal filed by him.

11. Subject to the above observation and direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

10.03.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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T. VINOD KUMAR, J.

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