
(2011) 07 MAD CK 0253

In the Madras High Court

Case No : Writ Petition (MD) No. 2374 of 2006

M. Umarani

APPELLANT

Vs

The Special Deputy Collector

RESPONDENT

Date of Decision : 19-07-2011

Acts Referred:

Citation : (2011) 07 MAD CK 0253

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : N. Namasivayam, for the Appellant; S. Bharathi, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

Vinod K. Sharma, J.—The Petitioner has approached this Court, with prayer for issuance of a writ, in the nature of certiorari, for quashing the order, dated 24.06.2003, with consequential relief of writ, in the nature of mandamus, directing the Respondent to reinstate the Petitioner with all consequential benefits.

2. The Petitioner was appointed as "Secondary Grade Teacher" on 12.04.1999. On 24.06.2003, the Petitioner was issued a suspension order, in view of the departmental proceedings against the Petitioner.

3. The Petitioner challenged the order of suspension before the learned Tamil Nadu Administrative Tribunal at Chennai. The application moved by the Petitioner was allowed against suspension, but the prayer of the Petitioner for quashing the charge memo was declined. It was directed that the Petitioner should join in the enquiry proceedings.

4. In pursuant to the order passed by the learned Tamil Nadu Administrative Tribunal, the Petitioner was not reinstated in service, but for the reason that best known to the Petitioner, she took no steps to enforce the order of the learned Administrative Tribunal. The Petitioner, subsequently filed a writ in this

Court. In view of the interim order passed by this Court, Petitioner was reinstated in service.

5. The enquiry officer, now has exonerated the Petitioner from all the charges and submitted the enquiry report to the competent authority.

6. This writ petition is to challenge the order of suspension, the writ petition prima facie is not competent, as it is not open to the Petitioner to re-agitate the concluded matter. However, this Court admitted the petition. The question of maintainability of the writ petition has lost importance, as the Petitioner during the pendency of the writ petition stood reinstated, as noticed above.

7. The only grievance of the Petitioner, now is that inspite of submission of the report by the enquiry officer, the competent authority has not taken any decision thereon.

8. This petition, therefore, is disposed of with a direction to the Respondent to take final decision on the report of the enquiry officer, and in case, the report is accepted, the Petitioner shall be granted all consequential benefits flowing from the order to be passed. No. costs.