

(2014) 10 MAD CK 0141

In the Madras High Court

Case No : Writ Petition (MD) No. 13833 of 2014 and M.P. (MD) No. 1 of 2014

S. Mookiah

APPELLANT

Vs

The District Elementary Educational Officer

RESPONDENT

Date of Decision : 15-10-2014

Acts Referred:

Citation : (2014) 10 MAD CK 0141

Hon'ble Judges : T. Raja, J

Bench : Single Bench

Judgement

T. Raja, J.—The petitioner/S. Mookiah has filed the present writ petition seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of suspension passed by the 3rd respondent dated 04.06.2014 insofar as placing the petitioner under suspension till the outcome of the criminal case, quash the same and consequently direct the respondents herein to permit the petitioner to join the service and regularise his period of suspension within a reasonable time.

2. Heard both sides.

3. The petitioner who was appointed as a Secondary Grade Teacher on 03.04.1989 in the 3rd respondent school was placed under suspension by the 3rd respondent, in view of registration of a criminal complaint in Crime No. 186/2014 on the file of Periyakulam Police Station, Theni District, in respect of a family dispute. Even prior to the completion of the suspension period, the 3rd respondent had forwarded a proposal seeking permission to extend the period of suspension. However, when the proposal was awaiting for the orders of the competent authority, the period of suspension came to an end. Therefore, the petitioner was reinstated in service. In view of that, the impugned suspension order has become infructuous and the question of setting aside the same at this juncture, does not arise.

4. It is at this point of time, Mr. C. Venkateshkumar, learned counsel for the 3rd

respondent submitted that the question of regularising the period of suspension of the petitioner would be duly considered on merits, subject to the outcome of the criminal case registered in Crime No. 186/2014 on the file of Periyakulam Police Station, Theni District.

5. In view of the above submission, the 3rd respondent is directed to consider the claim of the petitioner regarding regularisation of the period of suspension, subject to the result of the criminal case registered against him. Needless to mention, if the petitioner is reinstated in service, the 3rd respondent is bound to pay the salary, to which he is entitled to.

6. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.