

W.P.(MD).No.19664 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.19664 of 2022

and

W.M.P.(MD) Nos.14371 of 2022 & 368 of 2024

S.Sivaprakasam.

... Petitioner

Vs

1. State by Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai-2.

2. The Director of School Education,
Chennai.

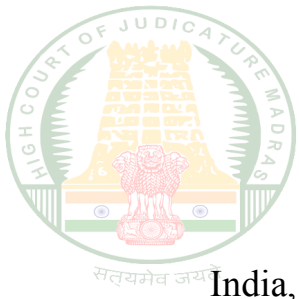
3. The District Education Officer,
Coonor,
Nilgiris District.

4. The District Educational Officer,
Thanjavur.

(R4 is *suo motu* impleaded vide Court Order
Dated 11.12.2025 in W.P.(MD)No.19664 of 2022).

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



W.P.(MD).No.19664 of 2022

India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in his proceedings in G.O.(ID). No.166 dated 31.05.2022 and quash the same as illegal and consequently, direct the 1st respondent to pay salary for the superior period from 21.07.2004 to 03.06.2007 and 30.08.2012 to 31.08.2012 and grant notional promotion with all other attendant monetary benefits.

For Petitioner : Mr. N. Balakrishnan.

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed challenging the order passed by the first respondent on 31.05.2022, wherein a portion of the suspension period has been treated as eligible leave and the balance portion has been treated as leave on loss of pay.

2. The petitioner herein was placed under suspension on 24.07.2004 and he was issued with charge memo. Enquiry was completed and a report was submitted on 26.03.2007. The petitioner had attained superannuation on 31.08.2012. The petitioner was acquitted from the criminal case on 10.08.2017. In the departmental proceedings, final orders were passed on



W.P.(MD).No.19664 of 2022

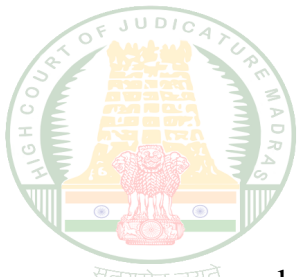
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06.01.2020 imposing punishment of recovery of Rs.500/- p.m for a period of five years from the pension of the writ petitioner. The order of imposing punishment in the departmental proceedings has not been put to challenge.

3. The petitioner had made a request for regularisation of suspension period. Such request was rejected under the impugned order, wherein the period of suspension was treated as eligible leave for 180 and 239 days and the balance of 631 days as leave on loss of pay.

4. According to the learned counsel for the writ petitioner, when the petitioner has been acquitted from the criminal case, the suspension period should be treated as a duty period and not leave on loss of pay or any other eligible leave.

5. *Per contra*, the learned Additional Government Pleader appearing for the respondents, relying upon the order dated 06.01.2020, contended that the petitioner has not been exonerated from the departmental proceedings. On the other hand, he has been imposed with the punishment. When the order of punishment has not been challenged, the period of suspension cannot be



W.P.(MD).No.19664 of 2022

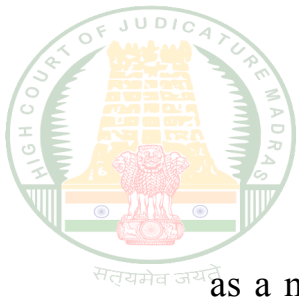
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regularised as a duty period. He also relied upon Rule F.R.54-B (v) and (vii) in support of his contentions.

6. Heard both sides and perused the materials on record.

7. In view of Rule 54-B (v) and (vii), when an employee has not been exonerated from departmental proceedings, but he has not been found guilty, the suspension period shall not be treated as a duty period. Unless competent authority specifically directs, it shall not be treated for any specific purpose. In such view of the matter, it is made clear that it is within the discretion of the disciplinary authority whether the suspension period shall be treated as a duty period or as eligible leave.

8. In the present case, the petitioner, having been found guilty of misconduct, was imposed with the punishment. The authority exercised his discretion and has treated the suspension period as eligible leave period and after excluding all the eligible leave, the rest of the period has been treated as leave on loss of pay. When the petitioner has not chosen to challenge the order of punishment, seeking to treat the suspension period, as a duty period



W.P.(MD).No.19664 of 2022

WEB COPY

as a matter of right could not arise. Hence, there is no merits in the present writ petition.

9. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Secretary to Government,
Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2. The Secretary to Government,
Department of BC/MBC/DC and Minorities Welfare,
Fort St. George,
Chennai - 600 009.

3. The Chairman,
Teachers Recruitment Board,
3rd and 4th Floor,
Puratchithalaivar MGR Building,
DPI Campus, College Road,
Chennai - 600 006.

5/6



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W.P.(MD).No.19664 of 2022

R.VIJAYAKUMAR,J.

apd

W.P(MD)No.19664 of 2022

21.01.2026