

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.12056 OF 2015

S.S.Srinivasan

... Petitioner

Versus

1.The Chief Educational Officer
Vellore District,
Collectorate Building,
Sathuvachari, Vellore - 632 009.

2.The Joint Director (Higher Secondary)
Directorate of Government Examinations
College Road, D.P.I. Campus,
Nungambakkam, Chennai - 600 006.

3.The Headmaster
Government Boys Higher Secondary School
Latheri - 632 202.
Vellore District.

.... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 13.02.2015, revoke his suspension made vide the 1st respondent's proceedings bearing Na.Ka.No.5049/A4/2014 dated 23.09.2014 and direct the 1st respondent to pay subsistence allowance from the date of petitioner's suspension till the date of revocation of suspension.

For Petitioner : Mr.Arun Anbumani

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard both sides. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents.

2.Though the prayer in the writ petition is for a direction to the first respondent to consider the petitioner's representation dated 13.02.2015 to revoke his suspension and for a consequential direction to the first respondent to pay subsistence allowance from the date of suspension till the date of revocation of suspension, at the time of hearing, the learned counsel for the petitioner has submitted that the petitioner would be satisfied, if a direction is issued to the first respondent to pay subsistence allowance to the petitioner for the period of suspension.

3.It is well settled that an employee, who is placed under suspension, cannot be denied subsistence allowance, which amounts to violation of Article 21 of the Constitution of India. So long as the petitioner is kept under suspension, pending enquiry, the respondents are liable to pay subsistence allowance to the petitioner during the period of suspension, till the conclusion of the departmental proceedings and passing of the final orders.

4.In view of the same, the first respondent is directed to pay subsistence allowance to the petitioner from the date of suspension and the arrears shall be paid within a period of four weeks from the date of receipt of a copy of this order and thereafter, the subsistence allowance shall be paid on or before 10th of every succeeding month, till final order is passed.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

TK

WEB COPY

To

1.The Chief Educational Officer
Vellore District,
Collectorate Building,
Sathuvachari, Vellore - 632 009.

2.The Joint Director (Higher Secondary)
Directorate of Government Examinations
College Road, D.P.I. Campus,
Nungambakkam, Chennai - 600 006.

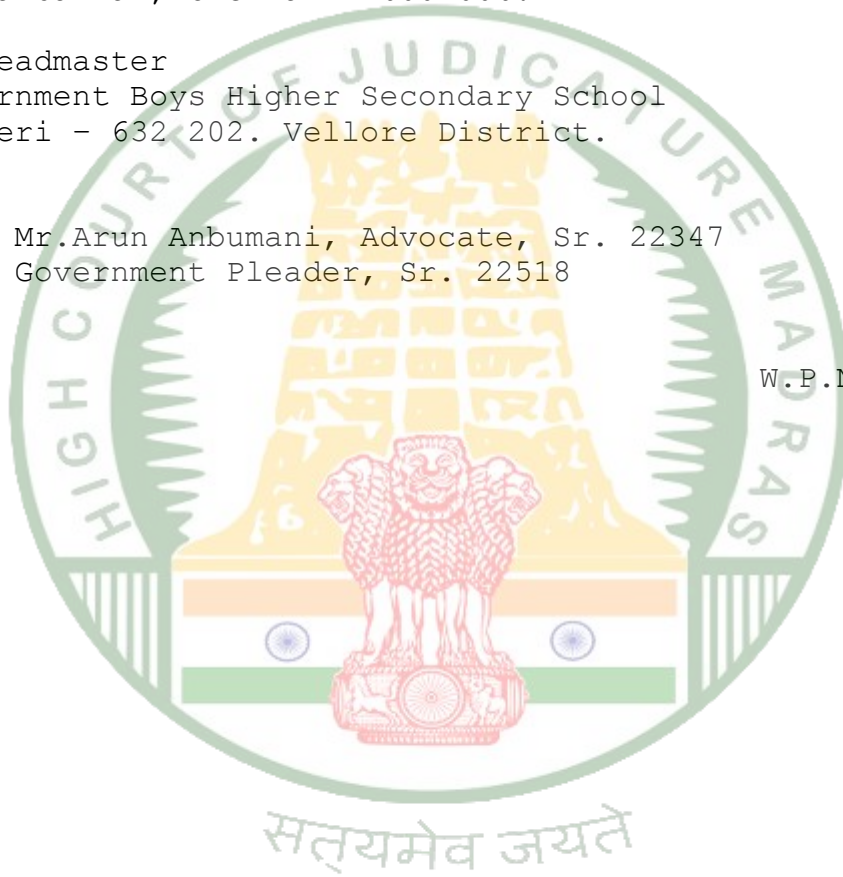
3.The Headmaster
Government Boys Higher Secondary School
Latheri - 632 202. Vellore District.

1 cc to Mr.Arun Anbumani, Advocate, Sr. 22347

1 cc to Government Pleader, Sr. 22518

W.P.NO.12056 OF 2015

JP (CO)
kk 19/5



WEB COPY