

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.19451 OF 2015

AND

M.P.NO.1 OF 2015

M.Kuppan

... Petitioner

Vs.

1. Joint Commissioner (Education)
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Educational Officer,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
3. The Enquiry Officer cum
Regional Deputy Commissioner (North)
Corporation of Chennai,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 respectively, to revoke the suspension of the petitioner and pay the entire arrears of subsistence allowance payable to the petitioner from the date of suspension i.e. 12.11.2013 till date, by considering his representations dt.13.03.2015 and 25.05.2015 within a reasonable time to fixed by this Hon'ble Court and to continue to pay same without any default and forbearing the 3rd respondent from continuing with the enquiry until the subsistence allowance is paid in full.

For Petitioner : Mr. R.Neelakandan

For Respondents : Dr.C.Ravichandran
Standing Counsel
for Chennai Corporation

O R D E R

The writ petition is filed for issuance of a Mandamus, directing the Respondents 1 and 2 respectively, to revoke the suspension of the petitioner and pay the entire arrears of subsistence allowance payable to the petitioner from the date of suspension viz. 12.11.2013 to till date, by considering his representations dated 13.03.2015 and 25.05.2015 and continue to pay same without any default and to forbear the 3rd respondent from continuing with the enquiry until the subsistence allowance is paid in full.

2.The grievance of the petitioner is that he was placed under suspension on 12.11.2013. However, subsistence allowance was not paid from the said date onwards.

3.It is well stated that no employee, whether in Government service or private employment, would be denied subsistence allowance and the denial of subsistence allowance amounts to violation of Article 21 of the Constitution of India.

4.The learned counsel appearing for the respondent Corporation has fairly submitted that the subsistence allowance would be paid.

5.In these circumstances, the writ petition is disposed of with a direction to the first respondent to pay arrears of subsistence allowance to the petitioner, if the subsistence allowance is not paid, within a period of four weeks from the date of receipt of copy of this order and thereafter, continue to pay the same on or before 10th of every succeeding month till final order is passed in the disciplinary proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

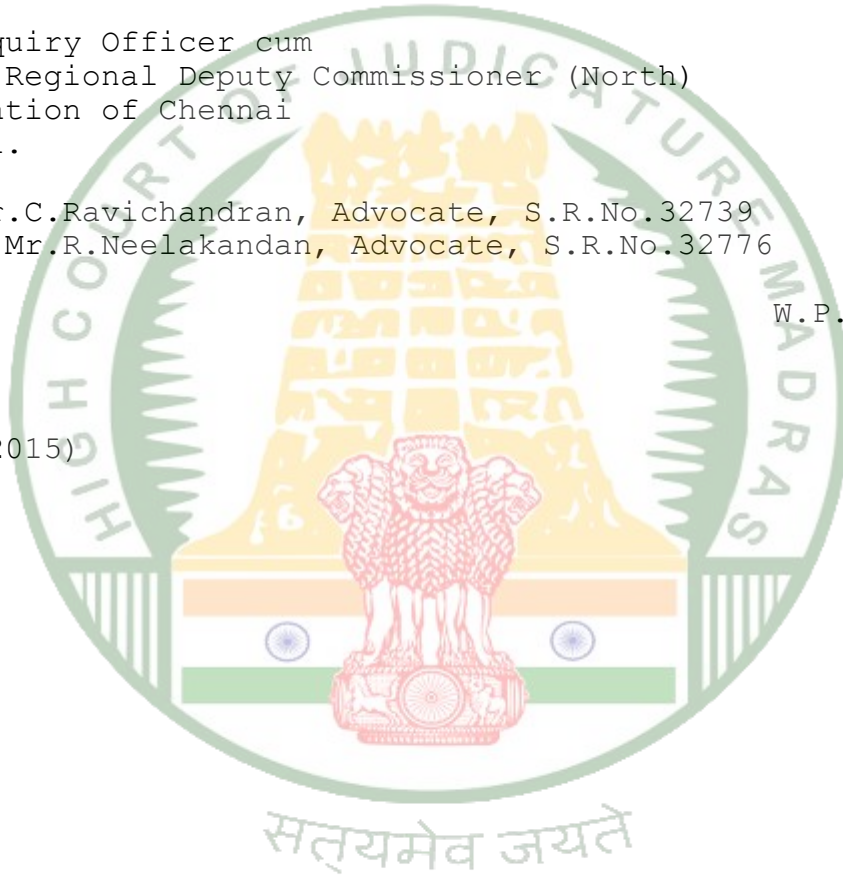
To

1. Joint Commissioner (Education)
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2. The Educational Officer
Corporation of Chennai
Rippon Building,
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3. The Enquiry Officer cum
Regional Deputy Commissioner (North)
Corporation of Chennai
Chennai.

+1cc to Mr.C.Ravichandran, Advocate, S.R.No.32739
+2cc's to Mr.R.Neelakandan, Advocate, S.R.No.32776

W.P.NO.19451 OF 2015
and
M.P.NO.1 of 2015

BR(CO)
CA(15/07/2015)



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