

In the High Court of Judicature at Madras

Dated: 01.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28662 of 2015

1. K.Ezhilmaran
2. Sathyavani

.... Petitioners

Vs.

1. The Commissioner,
Corporation of Chennai,
Chennai - 3.
2. The Joint Commissioner (Education),
Corporation of Chennai,
Chennai - 3.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to pay the petitioners the eligible subsistence allowances (from the date of suspension till they revoke the suspension).

For Petitioner : Mrs.Selvi George

For Respondents : Mr.G.Anantha Rangan - R1 and R2

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioners, after completion of their Higher Secondary Education, have joined Diploma in Teacher Education (DTE) at District Institute of Education and Training at Ranipet (D.I.E.T) and they have successfully completed the course. The first petitioner, thereafter, completed his post graduation in M.A. and also further qualified as B.Ed and thus fully qualified to the post of teacher. The second petitioner, who is the wife of the first petitioner, have completed her B.Ed, thus, she also fully qualified for the post of teacher.

3. Both the petitioners were appointed as Secondary Grade Teacher at Corporation Primary School Kanadasan Nagar, Chennai during August 1998 and their services were also regularised in the year 2000 by the second respondent. The petitioners would state that at the time of

regularisation, their certificates were verified and now they have been issued with charge memo stating that the educational qualification certificates, namely, DTE bearing Register No.42569/Feb'96 (first petitioner) and SSLC bearing Register No.383848/Apr'90, DTE bearing Register No.42560/Feb'96 and HSC bearing Register No.725616/Mar 1992 (second petitioner) are not genuine and by producing the same, the petitioners have got employment by wrongful means. Hence, both the petitioners were placed under suspension vide proceedings of the second respondent dated 21.11.2013.

4. The grievance now expressed by the petitioners is that though they have been placed under suspension during November, 2013, the subsistence allowance due and payable to them have not been disbursed at all and consequently, their family are suffering very much and hence prays for appropriate orders.

5. When the Writ Petition was listed for admission on 11.09.2015, Mr.G.Anantha Rangan, learned Standing Counsel accepts notice and sought time to get instructions and when the matter is again listed today, learned Standing Counsel, on instruction, would submit that the petitioners have not been paid with subsistence allowance so far and would further add that within a stipulated time, the said amount would be disbursed to them.

6. This Court, heard the submissions of the respective counsel and perused the materials placed before this Court. It is pertinent to point out at this juncture, that even in the orders of suspension, it has been clearly indicated that during the period of suspension, subsistence allowance as admissible under Fundamental Rule 53(1) will be paid to the petitioners. But unfortunately, they have not been paid with subsistence allowance. As rightly pointed out by the learned counsel appearing for the petitioners that on account of non-payment of subsistence allowance they have been put to grave hardship and irreparable loss, as the said allowance is the only means for their sustenance.

7. In the result, the Writ Petition is allowed and respondents 1 and 2 are directed to pay the arrears of subsistence allowance with 6% interest payable from 21.12.2013, within a period of four weeks from the date of receipt of a copy of this order and continue to pay the subsistence allowance to the petitioner till the revocation of order of suspension/completion of Departmental proceedings. No costs.

-Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

s1

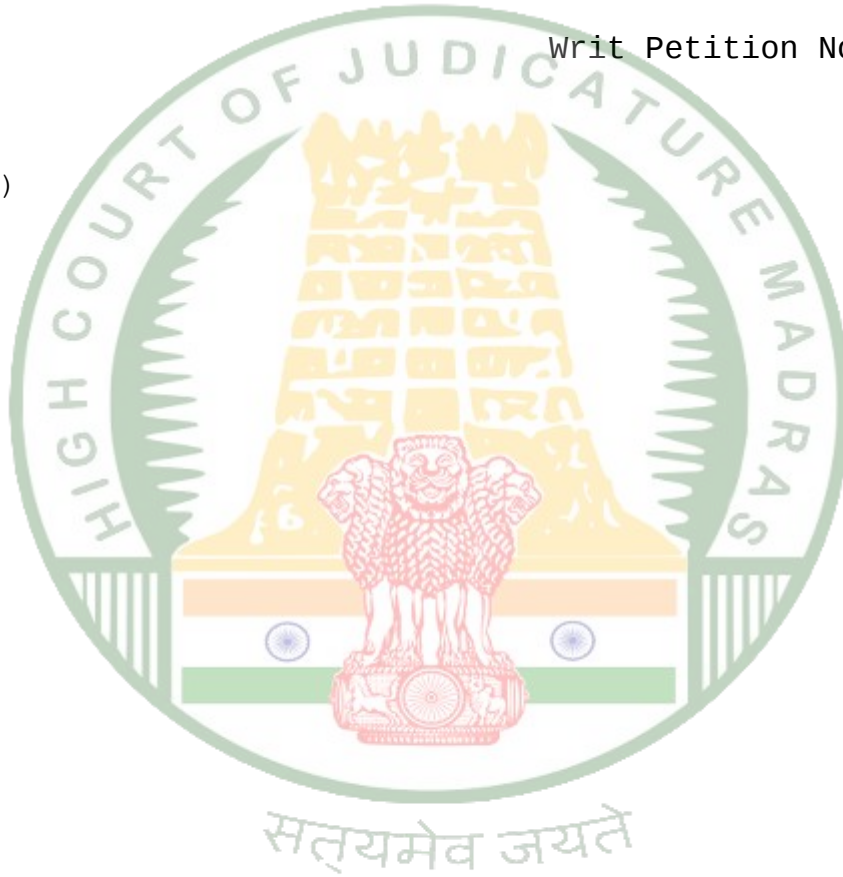
To

1. The Commissioner,
Corporation of Chennai,
Chennai - 3.
2. The Joint Commissioner (Education),
Corporation of Chennai,
Chennai - 3.

+1cc to Mrs.Selvi George, Advocate, S.R.No.53605

Writ Petition No.28662 of 2015

(CO)UG
JD(08/10/2015)



WEB COPY