

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.35370 and 35371 of 2016

P.Kiruba ...Petitioner in W.P.No.35370 of 2016

S.Arul Sundaram ...Petitioner in W.P.No.35371 of 2016

Vs.

1. The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai-600 006.
2. The District Elementary Educational Officer,  
Elementary Educational Office,  
Vellore.
3. The Addl. Assistant Elementary Educational Officer,  
Kandili Union,  
Vellore District. ....Respondents in W.P.No.35370 of 2016
1. The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai-600 006.
2. The District Elementary Educational Officer,  
Elementary Educational Office,  
Krishnagiri.
3. The Addl. Assistant Elementary Educational Officer,  
Veppampalli Union,  
Krishnagiri District. ....Respondents in W.P.No.35371 of 2016

Writ Petition No.35370 of 2016 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to consider and pass order on the petitioner's representation, dated 06.04.2016, submitted with request to disburse the subsistence allowance payable to the petitioner pursuant to his suspension with effect from 04.01.2016 at 50% of his pay for the first six months and 75% of his basic pay from 04.07.2016 onwards and to disburse subsistence allowance regularly every month in future.

Writ Petition No.35371 of 2016 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to consider and pass order on the petitioner's representation, dated 04.07.2016, submitted with request to disburse the subsistence allowance payable to the petitioner pursuant to his suspension with effect from 13.01.2016 at 50% of his pay for the first six months and 75% of his basic pay from 13.07.2016 onwards and to disburse subsistence allowance regularly every month in future.

For Petitioners : Mr.T.Naveen Chandar

For Respondents : Mr.S.N.Parthasarathi,  
Govt. Advocate

ORDER

Writ Petition No.35370 of 2016 is filed praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to consider and pass order on the petitioner's representation, dated 06.04.2016, submitted with request to disburse the subsistence allowance payable to the petitioner pursuant to his suspension with effect from 04.01.2016 at 50% of his pay for the first six months and 75% of his basic pay from 04.07.2016 onwards and to disburse subsistence allowance regularly every month in future.

2. W.P.No.35371 of 2016 has been filed by the petitioner praying for issuance of a Writ of Mandamus to direct the respondents 2 and 3 to consider and pass order on the petitioner's representation, dated 04.07.2016, submitted with request to disburse the subsistence allowance payable to the petitioner pursuant to his suspension with effect from 13.01.2016 at 50% of his pay for the first six months and 75% of

his basic pay from 13.07.2016 onwards and to disburse subsistence allowance regularly every month in future.

3. The petitioner in W.P.No.35370 of 2016 was initially appointed as Secondary Grade Teacher in Panchayat Union Elementary School, Kanjanayakkampatti, Kadayapatti Union, Salem District, by proceedings dated 28.02.2008 issued by the District Elementary Educational Officer, Salem District Employment Exchange, Salem in the scale of pay of Rs.4,500-125-7000. He was declared to have satisfactorily completed the period of probation in the said post. At present, the petitioner is working as a Secondary Grade Teacher, Panchayat Union Middle School, Sevvathurpudur. While so, the District Elementary Educational Officer, Vellore, by proceedings dated 04.01.2016, placed the petitioner under suspension with immediate effect on the ground that enquiry into grave charges against the petitioner is contemplated. From 04.01.2016, he was kept under prolonged suspension without any review or enquiry. He has not been paid subsistence allowance from 04.01.2016. In this regard, the petitioner made a representation dated 06.04.2016 to the respondents requesting payment of subsistence allowance. Since there is no response, the petitioner has filed W.P.No.35370 of 2016 for the relief stated supra.

4. The petitioner in W.P.No.35371 of 2016 was initially appointed as Secondary Grade Teacher in Panchayat Union Elementary School, P.K.Bethanapalli, Veppampalli Union, Krishnagiri District, by proceedings dated 25.08.2001 issued by the District Elementary Educational Officer, Krishnagiri District, Krishnagiri in the scale of pay of Rs.4,500-125-7000. He was declared to have satisfactorily completed the period of probation in the said post. Subsequently, he was promoted as Elementary School Headmaster, by proceedings dated 05/2010 of the second respondent and posted to Panchayat Union Elementary School, Gudegoundanur. At present, the petitioner is working as Headmaster, Panchayat Union Elementary School, Gangoji Kolathur. While so, the District Elementary Educational Officer, Krishnagiri, by proceedings dated 13.01.2016, placed the petitioner under suspension with immediate effect on the ground that enquiry into grave charges against the petitioner is contemplated. From 13.01.2016, he was kept under prolonged suspension without any review or enquiry. He has not been paid subsistence allowance from 13.01.2016. In this regard, the petitioner made a representation dated 04.07.2016 to the respondents requesting payment of subsistence allowance. Since

there is no response, the petitioner has filed W.P.No.35371 of 2016 for the relief stated supra.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, this Court directs the respondents to consider the said representations of both the petitioners with regard to payment of subsistence allowance to them and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petitions are disposed of. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Director of Elementary Education,  
DPI Campus, College Road,  
Chennai-600 006.
2. The District Elementary Educational Officer,  
Elementary Educational Office, Vellore.
3. The Addl. Assistant Elementary Educational Officer,  
Kandili Union, Vellore District.
4. The District Elementary Educational Officer,  
Elementary Educational Office, Krishnagiri.

5. The Addl. Assistant Elementary Educational Officer,  
Veppampalli Union,  
Krishnagiri District.

+2CCS to T.Naveen Chandar, Advocate, SR 59434 59433

W.P.Nos.35370 and 35371 of 2016

SSK (CO)  
PSI 12/11/2016



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