

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43778/2016

Dr.K.Sundaramoorthy

..

Petitioner

Vs

1.The Secretary to Government
Higher Education Department
Secretariat, Chennai 600 009.

2.The Director of Technical Education,
Guindy, Chennai 600 025.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to sanction and settle the Subsistence Allowance from 01.06.2016 till date within a reasonable period to be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner, while working as Additional Director of Technical Education [Polytechnics] in the Directorate of Technical Education, Chennai, was placed under suspension vide G.O. [2D] No.41, Higher Education Department, dated 26.05.2016 and by yet another order dated 31.05.2016 in G.O.[2D] No.43, Higher Education Department, his services were also retained beyond the age of superannuation, on account of the fact that enquiry into charges is still under investigation. The petitioner, challenging the legality of the said orders, had filed WP.No.43777/2016, wherein this Court has ordered notice of motion to the respondents.

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<https://hcservices.ecourts.gov.in/hcservices/> The grievance expressed by the petitioner is that he has been placed under suspension as early as on

26.05.2016 and the Subsistence Allowance is yet to be paid to him and would further add that on an earlier occasion, he has also filed WP.No.20584/2016, challenging the very same Government Orders, and this Court, vide order dated 12.07.2016, has directed the 1st respondent therein to complete the Disciplinary Proceedings and pass final orders within a period of four months from the date of receipt of a copy of that order and despite that, the 1st respondent did not take any action and therefore, the petitioner was constrained to file WP.No.43777/2016.

4 The learned counsel for the petitioner would submit that the petitioner claiming Subsistence Allowance, has also submitted a representation dated 21.11.2016 to the 1st respondent and it would be suffice to direct the said official to consider and dispose of the said representation in accordance with law.

5 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to consider and dispose of the petitioner's representation dated 21.11.2016 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

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Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

AP

To

1.The Secretary to Government
Higher Education Department
Secretariat, Chennai 600 009.

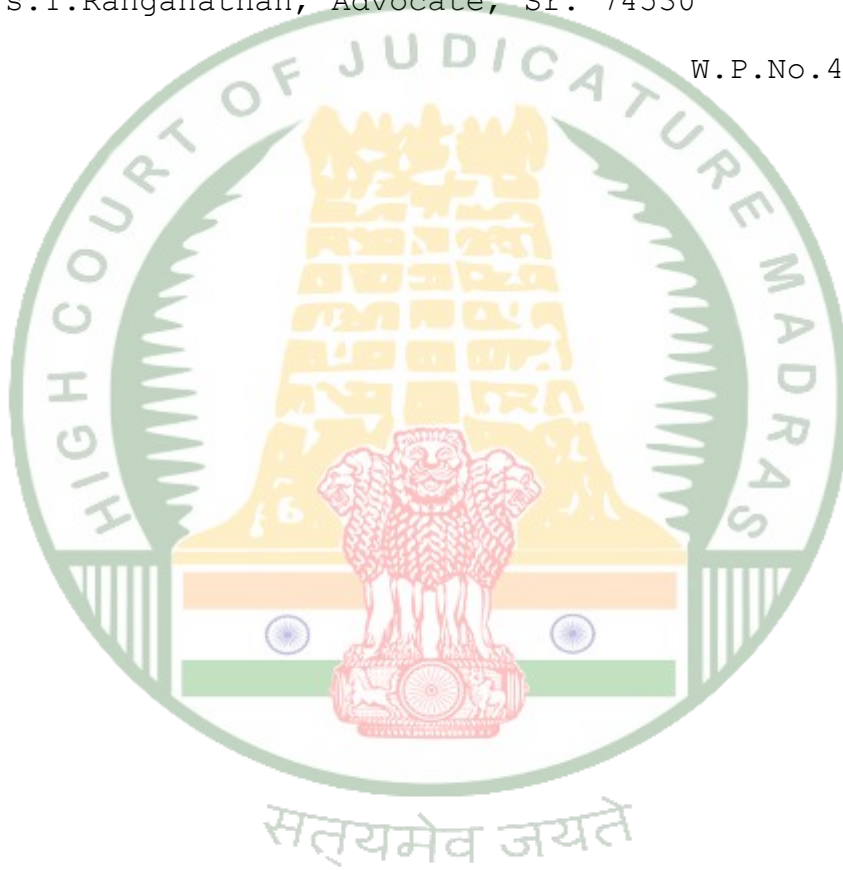
2.The Director of Technical Education,
Guindy, Chennai 600 025.

1 cc to Government Pleader, Sr. 74715

1 cc to M/s.T.Ranganathan, Advocate, Sr. 74530

W.P.No.43778/2016

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