

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 731 of 2016

M.Sugumaran

.. Petitioner

Vs.

1.The Joint Commissioner (Education) I/C
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

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2, to revoke the suspension of the petitioner and to 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 the petitioner's representations, dated 03.06.2015 and 04.01.2016, within a reasonable time to be fixed by this Court and to continue to pay the same without any default and forbearing the 3rd respondent from continuing with the enquiry until the subsistence allowance is paid in full.

For Petitioner

: No Appearance

For Respondents

: Mr.G.Anantharangan
Standing Counsel for
Corporation

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents 1 and 2, to revoke the suspension of the petitioner and to 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 the petitioner's representations, dated 03.06.2015 and 04.01.2016, within a reasonable time to be fixed by this Court and to continue to pay the same without any default and forbearing the 3rd respondent from continuing with the enquiry until the subsistence allowance is paid in full.

2. The petitioner entered into service as Secondary Grade Teacher, on 06.04.2000, at Chennai Primary School, Patel Nagar, Zone-1, under the control of the 2nd respondent. The petitioner was placed under suspension, by order dated 21.11.2013, alleging that the D.T.Ed. Certificate produced by the petitioner was not genuine. Based on the complaint given by the 2nd respondent, a criminal case was registered by the Central Crime Branch, Chennai, in Cr.No.451 of 2013, on 11.11.2013. The enquiry has been ordered and the 3rd respondent issued Enquiry Notice, dated 17.06.2014. The enquiry is pending for nearly two years. There is no progress in the criminal case. Hence, the petitioner has made a representation to the 1st respondent to revoke his suspension. But, the same was not considered. Hence, the Writ Petition has been filed.

3. Today, when the matter is taken up for admission, there is no representation for the petitioner.

4. Mr. G. Anantharangan, the learned standing counsel, who takes notice for the respondents Corporation, would submit that a criminal case was registered against the petitioner in Crime No.451 of 2013, on 11.11.2013, alleging that the D.T.Ed. Certificate submitted by the petitioner was forged one and it is not genuine and the same is under progress. He would fairly add that the 2nd respondent is ready and willing to pay the entire arrears of subsistence allowance payable to the petitioner.

5. The grievance of the petitioner is that he was not paid with the subsistence allowance from the date of suspension onwards till date. It is well settled that no employee, whether in Government service or private employment, can be denied subsistence allowance and the denial of the same would amount to violation of Article 21 of the Constitution of India. Taking into consideration the fair submission of the learned standing counsel for the respondents Corporation that the subsistence allowance would be paid, this Court, without going into the merits of the other claims made by the petitioner, suffice it to direct the petitioner to approach the 2nd respondent along with the copy of this order, within a period of 15 days from the date of receipt of a copy of this order. On receipt of the copy of this order, the 2nd respondent is directed to pay the entire arrears of subsistence allowance payable to the petitioner, if the subsistence allowance is not paid already, as expeditiously as possible and thereafter, to continue to pay the

same on or before 10th of every succeeding month till final order is passed in the disciplinary proceedings.

6. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Joint Commissioner (Education) I/C
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.

+1cc to M/S.G.Anantharangan, Advocate sr.30616

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