

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8214 of 2017

K.Balamurugan

.. Petitioner

-vs-

1. The Chief Educational Officer,
O/o.Chief Education Officer, Nagapattinam
Nagapattinam.
2. The Head Master,
Kittappa Municipality Higher Secondary School,
Koorainadu, Malyiladuthurai. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 09.12.2016 for grant of subsistence allowance within the timed framed fixed by this Court.

For Petitioner : Mr.G.Djearany

For Respondents: Mr.P.Sanjay Gandhi
Addl.Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondent to consider the petitioner's representation dated 09.12.2016 for grant of subsistence allowance within the timed framed fixed by this Court.

2. The case of the petitioner is that he was disabled person and working as Drawing Master in Kittappa Municipal Higher Secondary School at Kooranadu, Mayiladuthurai, Nagapattinam District and he was suspended from service under 17 (e) of the Tamil Nadu Civil Service (Discipline and Appeal Rules) for involvement in a criminal case and subsistence allowance was granted to him. By the proceedings in R.C.No.1792/A3/2016 dated 06.04.2015 of the Chief Educational Officer, Nagapattinam has stated that he was arrested and

remanded to judicial custody for 15 days. He was in jail for more than 48 hours and he was placed under suspension with immediate effect from service until further orders. He has not paid subsistence allowance for the period of commencement from November 2015, for which, he has given a representation but the same has not been disbursed due to appeal.

3. The learned counsel for the petitioner would submit that he would be satisfied, if the court directs the 1st respondent to consider the representation given by the petitioner.

4. Mr.P.Sanjay Gandhi, learned Addl.Govt.Pleader takes notice for the respondents 1 and 2, seeks time to consider the pending representation.

5. Considering the submission made by either side, this Court directs the first respondent is directed to consider the representation on payment of subsistence allowance within a period of two weeks from the date of receipt of a copy of this order.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Chief Educational Officer,
O/o.Chief Education Officer, Nagapattinam
Nagapattinam.
2. The Head Master,
Kittappa Municipality Higher Secondary School,
Koorainadu, Malyiladuthurai.

+1 CC to Mr.G. Djearany, Advocate sr 20738
+1 CC to Govt. Pleader sr 21011

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