



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.12.2017
CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WEB COPY

W.P (MD) No.16897 of 2014

N.Ramachandran

... Petitioner

Vs.

1.The Director of School Education,
Chennai- 600 006.

2.The Chief Educational Officer,
Ramanadhapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to relax the condition imposed upon the petitioner directing him to reside at the Head Quarters (Government Higher Secondary School, Pandukudi) and permit the petitioner to reside with his family members at Trichy for his Medical Treatment, to pay the subsistence allowance and further other communication regarding Disciplinary Proceedings and date of enquiry conducted by the enquiry officer to the petitioner's residential address at Trichy.

For Petitioner	: Mr.N.C.Ashok Kumar
For Respondents	: Mr.V.Muruganantham
	Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to relax the condition imposed upon the petitioner directing him to reside at the Head Quarters (Government Higher Secondary School, Pandukudi) and permit the petitioner to reside with his family members at Trichy for his Medical Treatment and to pay the subsistence allowance and further other communications regarding Disciplinary Proceedings and the date of enquiry conducted by the Enquiry Officer to the petitioner's residential address at Trichy.

2.The learned counsel for the petitioner would submit that the petitioner was working as Head Master in Government Higher Secondary School, Pandukudi, Ramanadhapuram District and superannuated from service on 31.05.2014 and after his retirement, he received a communication that he was suspended and not permitted to retire from service. At the time of suspension and pending the disciplinary proceedings his Head Quarters was fixed as Government Higher Secondary School, Pandukudi, Ramnad District. It was notified in the said suspension order that the subsistence allowance and Dearness Allowance will be paid under Rule 53(1) of the Fundamental Rules. After the said suspension order, the petitioner was served



with a charge memo dated 08.05.2014. The Writ Petition filed challenging the said charge memo was disposed of on 01.07.2014 with a direction to the respondents to furnish the copies of the documents, which were going to be relied on during the time of enquiry and to complete the enquiry within four months. The petitioner had completed his service at the end of May 2014, and he had believed that the disciplinary proceedings initiated against him will be concluded expeditiously and till its conclusion, subsistence allowance will be paid for every month. But contrary to the same, subsistence allowance were not paid as on date. He remained in the Head Quarters, at Pandukudi in a mansion from the date of superannuation. The petitioner was suffering from Heart Ailment, Kidney Problem, Ulcer and other old age disease. Due to his taking outside food, his health condition become worse. (The said mansion address is room No.203, NSP Mansion, Thondi Road, Thiruvadanai, Ramnad District, which was not more than four kilo meters from Pandukudi.) Hence, petitioner's family members from Trichy took him to his family Doctor at Trichy and he is taking regular treatment from his family Doctor at Trichy. Except his wife and daughter at Trichy, no other persons are at Pandakudi or Thiruvadanai to take care of his health. Hence, the petitioner has filed this Writ Petition for directing the respondents to relax the condition imposed upon him to reside at the said Head Quarters and permit the petitioner to reside with his family members at Trichy for taking Medical treatment and to pay the subsistence allowance and also to send other communications regarding disciplinary proceedings and the date of enquiry conducted by the enquiry officer to residential address at Trichy.

3.The learned counsel appearing for the petitioner and also the learned Additional Government Pleader would submit that the enquiry had already been conducted and the punishment was awarded.

4.In view of the above submissions, nothing survives for further adjudication in this Writ Petition. Hence, this Writ Petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

1.The Director of School Education, Chennai- 600 006.

2.The Chief Educational Officer, Ramanadhapuram.

+One cc to Mr.N.C.Ashok Kumar, Advocate, SR.No.94399

+One cc to The Special Government Pleader, SR.No.94310

sss

RL/5C/2P/KK/SAR2/21/3/2018

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ORDER MADE IN

W.P (MD) No.16897 of 2014

20.12.2017