



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 2380 of 2018

and

W.M.P. (MD). Nos. 2595 & 2596 of 2018

S.Joshva Jeyaseelan

.. Petitioner

Vs.

1.The Chief Educational Officer,
Dindigul District,
Dindigul.

2.The Head Master,
Government High School,
Poolampatty, Palani Taluk,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the second respondent in his proceedings Na.Ka.no.30/2017, dated 07.11.2017 and quash the same as illegal and consequently directing the respondents to pay subsistence allowance payable to the petitioner from the month of October 2017 onwards.

For petitioner : Mr. T.Leninkumar

For respondents : Mrs. S.Srimathy

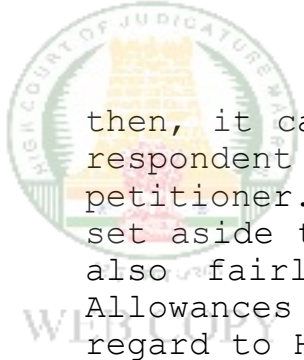
Special Government Pleader

O R D E R

Heard the learned Counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is a suspended employee of the Education Department. He was implicated in a criminal case on 03.04.2017 and suspended by order dated 05.04.2017. He was paid 50% of the Subsistence Allowances. But it came to be known that the Dearness Allowances payable to him came to be paid in excess. The excess payment has been quantified as Rs.87,220/-. It cannot be disputed that this amount has to be recovered from the petitioner's pay. But



then, it cannot be recovered at one go. Citing it as a reason, the respondent have stopped disbursing the Subsistence Allowances to the petitioner. It is clearly unfair. Therefore, the impugned order is set aside to the extent, it enforces the recovery at one go. It is also fairly stated by the respondent that the excess Dearness Allowances only has to be recovered and that the claim made in regard to House Rent Allowances is not correct.

4. The learned Counsel for the petitioner also agreed that the excess amount of Rs.87,220/- can be recovered from his Subsistence Allowances/pay in 10 instalments.

5. Recording this submission made on the side of the writ petitioner, it is directed that the respondent will continue to pay the subsistence allowances as the petitioner is under suspension. Since the subsistence allowances payable to the petitioner has not been paid since November, 2017, the respondent is directed to pay the arrears amount to the petitioner after deducting the instalment amount, as indicated above.

6. This Writ petition is allowed accordingly. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

1.The Chief Educational Officer,
Dindigul District,
Dindigul.

2.The Head Master,
Government High School,
Poolampatty, Palani Taluk,
Dindigul District.

+1cc to Mr.T.LENIN KUMAR,Advocate,SR.48215

W.P. (MD) .No.2380 of 2018
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