

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.13186 of 2018**

WEB COPY

K.Stephen Sahayaprasad

... Petitioner

Vs.

1.The Principal (In-charge),
Kamaraj Polytechnic College,
Palavilai, Kanyakumari District.

2.The Correspondent,
Kamaraj Polytechnic College,
Palavilai, Kanyakumari District.

3.The Commissioner,
The Directorate of Technical Education,
Guindy,
Chennai - 25.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 and 2 to pay the arrears of salary for the period of 10.10.2013 to 16.02.2018 along with May 2018 salary to the petitioner by regularizing the said suspension period along with interest.

For Petitioner : Mr.M.Gnanagurunathan

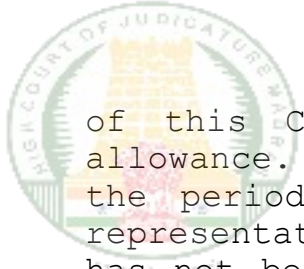
For RR 1 & 2 : Mr.N.Dilip Kumar

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents 1 and 2 to pay the arrears of salary to the petitioner for the period from 10.10.2013 to 16.02.2018 by regularizing the said suspension period, along with interest.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 and 2.

3.According to the learned counsel appearing for the petitioner, the suspension order, dated 10.10.2013, came to be revoked on 17.02.2018 and the petitioner re-joined duty on 17.02.2018. Seeking subsistence allowance, the petitioner filed a writ petition in W.P(MD)No.13113 of 2014 and subsequent to the order



of this Court, the petitioner received 50% of the subsistence allowance. Seeking the remaining amount of subsistence allowance for the period from 10.10.2013 to 16.02.2018, the petitioner sent a representation, dated 07.06.2018 to the respondents. Since the same has not been considered, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the respondents 1 and 2 submitted that the representation of the petitioner would be considered on merits.

5.In view of the above, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 07.06.2018 in the light of the order made in W.P(MD)No.13113 of 2014 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

/ True Copy /

Sub Assistant Registrar(CS)

ps

To

1.The Principal (In-charge),
Kamaraj Polytechnic College,
Palavilai, Kanyakumari District.

2.The Correspondent,
Kamaraj Polytechnic College,
Palavilai, Kanyakumari District.

3.The Commissioner,
The Directorate of Technical Education,
Guindy, Chennai - 25.

+1 CC to M/s.N.DILIP KUMAR,Advocate(SR-63842[F] dated 29/04/2019)

+1 CC to M/s.M.GNANAGURUNATHAN,Advocate(SR-64591[F]dated 30/04/2019)

W.P(MD)No.13186 of 2018
29.04.2019