



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19037 of 2019

S.Irudhayasamy

... Petitioner

-Vs-

1. The District Educational Officer,
O/o. District Educational Office,
Government Higher Secondary School,
Batlagundu, Dindigul District.

2. The Additional Assistant Elementary
Educational Officer,
O/o. Additional Assistant Elementary
Educational Office,
Kodaikanal, Dindigul District.

... Respondents

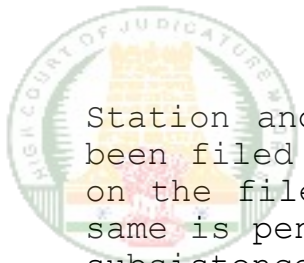
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the Subsistence Allowance to the petitioner for the period from March 2017 to till date based on the petitioner's representation dated 15.07.2019 and 18.07.2019 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

Heard Mr.G.Thalaimutharasu, learned counsel appearing on behalf of the writ petitioner and Mrs.S.Srimathy, learned Special Government Pleader, who takes notice on behalf of the respondents.

2.While the writ petitioner was working as Secondary Grade Assistant, he was suspended from service on 14.12.2012, based on the criminal complaint registered against the writ petitioner in Crime No.50 of 2011 for the offences under Sections 420, 463, 495 and 109 IPC on the file of the All Women Police Station, Theni. The writ petitioner was acquitted by the judgment dated 01.06.2015 in C.C.No.378 of 2012 on the file of the learned Judicial Magistrate, Theni. The writ petitioner by his letter dated 25.06.2016 requested the respondents to revoke the order of suspension. However, no order was passed thereon. Therefore, the writ petitioner has filed Writ Petition in W.P.(MD)No.22245 of 2016, challenging the order of suspension and the same is pending. While so, the writ petitioner was arrested on 01.10.2015 in Crime No.498 of 2015 for the offences under Sections 468 and 471 IPC on the file of Thalavaipuram Police



Station and remanded to judicial custody and charge sheet has also been filed and the same has been taken on file in C.C.No.216 of 2018 on the file of the learned Judicial Magistrate, Rajapalayam and the same is pending. In view of the same, the respondents have not paid subsistence allowance from March 2017 to till date. Even after the repeated representations dated 15.07.2019 and 18.07.2019 to the respondents, no order was passed therein. Hence, the writ petitioner has come out with the present Writ Petition. The learned counsel appearing on behalf of the writ petitioner submitted that the writ petitioner has given representations 15.07.2019 and 18.07.2019 to the respondents. However, till date, no order has been passed. If a direction is issued to the respondents to consider the representations of the writ petitioner, the writ petitioner would be satisfied.

3.Considering the facts and above submissions made by the learned counsel for the petitioner, the respondents are directed to consider the representations of the writ petitioner dated 15.07.2019 and 18.07.2019 and pass orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Educational Officer,
O/o. District Educational Office,
Government Higher Secondary School,
Batlagundu, Dindigul District.
2. The Additional Assistant Elementary
Educational Officer,
O/o. Additional Assistant Elementary
Educational Office,
Kodaikanal, Dindigul District.

+1 CC to Mr.G.THALIMUTHARASU, Advocate (SR-85482[F] dated 06/09/2019)

+1 CC to SPL GP (SR-85653[F] dated 06/09/2019)

W.P. (MD) No.19037 of 2019

05.09.2019

myr

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