



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5665 of 2020

and

W.M.P (MD) .Nos.4943 to 4945 of 2020

WEB COPY

R.Minnalraj

... Petitioner

vs.

The District Educational Officer
Melur
Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the respondent in his proceedings dated 29.07.2019 vide orders in R.C.No.4667/B3/2019 and quash the same as illegal and consequently directing the respondent to pay 75% of salary as subsistence allowance from February 2020.

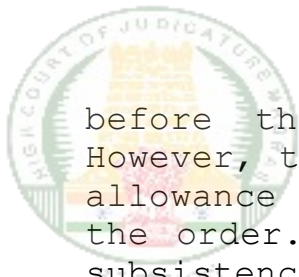
For Petitioner	:	Mr.M.Subash Babu
For Respondent	:	Mr.A.Thiyagarajan Government Advocate

O R D E R

This Writ petition has been filed to call for the records of the impugned orders passed by the respondent in his proceedings dated 29.07.2019 vide order in R.C.No.4667/B3/2019 and quash the same as illegal and consequently directing the respondent to pay 75% of salary as subsistence allowance from February 2020.

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

3.The learned counsel for the petitioner would submit that the petitioner was appointed as Secondary Grade Teacher on 06.12.1999 in Mangalampatti Primary School and he was transferred to Panchayat Union School, Chettikulam on 10.07.2016. While being so, the petitioner was implicated in Crime No.227 of 2019 for the offence under Section 174 @ 306 I.P.C. In connection with the crime, the petitioner was arrested on 29.07.2019 and thereafter, he was released on bail. In this circumstance, the petitioner was placed under suspension by the respondent by his proceedings dated 29.07.2019. The learned counsel would further submit that the petitioner had filed a writ petition in W.P(MD).No.22217 of 2019



before this Court and the same was dismissed as withdrawn. However, this Court directed the respondent to pay the subsistence allowance within a period of two weeks from the date of receipt of the order. Thereafter, the respondent is paying 50% of salary as subsistence allowance. The grievance of the petitioner is that though he is entitled to get 75% of subsistence allowance, the respondent is paying only 50% of subsistence allowance. Till today, no departmental action has been initiated. Hence, the petitioner made the representations, dated 05.09.2019 and 07.09.2019 respectively to the respondent to revoke his suspension and to pay 75% of salary as subsistence allowance. But, so far, the respondent has not taken any action. Aggrieved over the same, the petitioner is before this Court.

4. Though the petitioner has sought for larger prayer, he submitted that ends of justice would be met, if a direction is issued to the respondent to consider the representation of the petitioner in the light of the judgment passed by the Hon'ble Apex Court reported in **(2015 7 SCC 291) in the case of Ajaykumar Choudhary Vs. Union of India and others.**

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondent.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, the respondent is directed to consider the representation of the petitioner, dated 07.09.2019 in the light of the judgment passed by the Hon'ble Apex Court reported **in (2015 7 SCC 291) in Ajaykumar Choudhary Vs. Union of India and others** and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall enclose the copy of the representation, dated 07.09.2019 along with this order copy to the respondent.

7. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

<https://hcservices.ecourts.gov.in/hcservices/>



To:-

The District Educational Officer
Melur, Madurai

+1 CC to M/s.M.SUBASHBABU, Advocate (SR-12503[F] dated 19/03/2020

+1 CC to M/s.SPL.GP (SR-12448[F] dated 19/03/2020)

W.P. (MD) No.5665 of 2020

and

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18.03.2020

AL (CO)

TR(27.05.2020) 3P 4C