



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.7874 of 2020

S.Ravichandran

... Petitioner

-Vs-

1.The Director,
Directorate of Elementary Education,
DPI, Nungambakkam,
Chennai.

2.The Chief Educational Officer,
Theni District.

3.The District Educational Officer,
Theni District.

4.The Block Educational Officer,
K.Mayiladumparai,
Theni District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the subsistence allowance to the petitioner with effect from 15.10.2019 till re-employment.

For Petitioner : Mr.A.Selvam for the Mr.S.Sundara Pandian

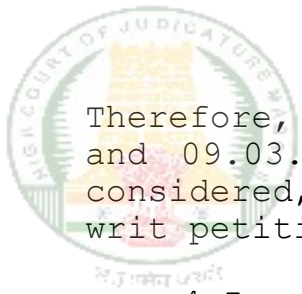
For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to pay the subsistence allowance to the petitioner with effect from 15.10.2019 till re-employment.

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

3.Heard Mr.A.Selvam, learned counsel appearing for the petitioner, who would submit that, the petitioner was placed under suspension on 15.10.2019 and thereafter, according to him, no progress has been made either in the criminal case or in the departmental enquiry. However, the petitioner has been kept under suspension till date. But the agony, according to the learned counsel for the petitioner, the petitioner is facing that, he has not so far been paid the subsistence allowance all along.



Therefore, the petitioner has given a representation on 27.11.2019 and 09.03.2020. But, those representations since have not been considered, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.

4.I have heard Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents, who would submit that, whether the subsistence allowance has been given or not can be ascertained, but at any rate, since the representations have been given only to get the subsistence allowance, that would be considered by the respondents on merits and in accordance with law.

5.I have considered the said submissions made by the learned counsel appearing for both sides and perused the materials placed before this Court.

6.There is no dispute that, the petitioner has been placed under suspension from 15.10.2019 and the order to that effect has also been filed in the typed set of papers. Therefore, it become obvious that, the petitioner has been placed under suspension from 15.10.2019 and it is the stand of the petitioner that so far no subsistence allowance has been given.

7.In order to substantiate the same, the two representations given by the petitioner dated 27.11.2019 and 09.03.2020 to the respondents have been annexed in the typed set of papers. Therefore, it also shows that, so far the petitioner has not been paid the subsistence allowance.

8.Whatever be the reason, for which, the petitioner has been placed under suspension and in this regard, pending the disciplinary proceedings or pending the criminal case, the respondents decided not to revoke the suspension order and they decided to keep the petitioner in prolonged suspension i.e., altogether is the different issue.

9.However, insofar as the payment of the subsistence allowance to the petitioner is concerned, it is the must, which the respondent ought to have paid from Oct-2019 till date. The petitioner claimed that no subsistence allowance has been paid and in this regard, he has given two representations, as stated above.

10.In view of the above, this Court is inclined to dispose of this writ petition with the following order :

'that the respondents are hereby directed to consider the representations of the petitioner, dated 27.11.2019 and 09.03.2020 and pass order thereon, for grant of subsistence allowance to the petitioner from 15.10.2019 till date and shall continue to pay the same so long as the petitioner remains under suspension. The aforesaid exercise



shall be undertaken immediately within a period of four (4) weeks from the date of receipt of a copy of this order.'

11. With these directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Director,
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