



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12117 of 2020

A.Raja

... Petitioner

Vs.

1. The Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai.
2. The District Educational Officer,
Office of the District Educational Office,
Sivagangai.
3. The Secretary,
Vallalpari Higher Secondary School,
Piranmalai, Sivagangai District.
4. The Headmaster,
Vallalpari Higher Secondary School,
Piranmalai, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third and fourth respondents to disburse the arrears of subsistence allowance payable to the petitioner within the period stipulated by this Court and also pray for direction to the third and fourth respondents to disburse the petitioner's subsistence allowance every month without fail.

For Petitioner : Mr.K.P.Ramesh
For Respondents : Mr.M.Thilagar
1 & 2 : Government Advocate
R3 and R4 : Notice Dispense with

COMMON ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the third and fourth respondents to disburse the arrears of subsistence allowance payable to the petitioner within the period stipulated by this Court and also for a direction to the third and fourth respondents to disburse the petitioner's subsistence allowance every month.



2.The petitioner was working as a Teacher in the third and fourth respondents' School, where, in respect of a criminal case, he was arrested and a First Information Report was registered in the All Women Police Station, Thirupathur, Sivagangai District. Pursuant to which, the petitioner has been placed under suspension by the respondents 3 and 4 since 23.02.2019 and the petitioner has been in continuous suspension till date. In this regard, the grievance of the petitioner is that though the Subsistence Allowance was paid up to February-2020 and from March-2020 onwards, the same was not paid to the petitioner. Inorder to get the Subsistence Allowance from March-2020 with arrears and also to continue to pay the Subsistence Allowance regularly, till the suspension is revoked, the petitioner made representations to the respondents on 15.06.2020, 19.06.2020 and 29.06.2020 and since it has not been considered, this present writ petition came to be filed.

3.Heard Mr. K.P.Ramesh, learned counsel appearing for the petitioners and Mr.M.Thilagar, the learned Government Advocate appearing for the respondents 1 and 2.

4.In view of the order going to be passed in this writ petition, notice to the respondents 3 and 4, is dispensed with.

5.The learned Government Advocate would submit that, pursuant to the criminal case filed against the petitioner, subsequently a charge sheet also has been filed before the concerned criminal Court under POCSO Act. Therefore, in view of the grave charges, since charge sheet has been filed and the issue is pending before the competent Criminal Court, the petitioner's suspension is not yet revoked. However, the petitioner is entitled to get the Subsistence Allowance and if any due in the Subsistence Allowance payable to the petitioner, the same would be verified and calculated and be paid within a time and the official respondents will continue to pay the Subsistence Allowance to the petitioner.

6.In view of the said submissions made by the learned Government Advocate appearing for the respondents 1 and 2 and by taking note of the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following orders:

"that the representations of the petitioner dated 15.06.2020 and 19.06.2020 shall be considered by the respondents 1 and 2 and accordingly decide and calculate the Subsistence Allowance arrears, if so, to the petitioner as claimed by him, from March-2020 and pay the same. The respondents shall continue to pay the Subsistence Allowance to the petitioner until the suspension made against the petitioner is revoked. The needful as indicated above shall be undertaken by the respondents 1 and 2 within a period of four weeks from the date of receipt of a copy of this order".



7. Accordingly, this Writ Petition is disposed of. However, there is no orders as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

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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 Chief Educational Officer,
Office of the Chief Educational Officer,
Sivagangai.
2. The District Educational Officer,
Office of the District Educational Office,
Sivagangai.

+2 CC to Mr.K.P.RAMESH, Advocate (SR-17586[F] dated 21/09/2020)
+1 CC to the SPL GP (SR-17693[F] dated 22/09/2020)

W.P. (MD) No.12117 of 2020
21.09.2020

SSS(CO)
CS(20.11.2020) 3P 6C