



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 13884 of 2021

and

W.M.P. Nos.14749, 14750 & 14753 of 2021

K.Sangayya Math

.. Petitioner

Versus

1. The Registrar,
Dakshina Bharat Hindi Prachar Sabha,
Post Graduate and Research Institution,
No.15-22C, Melony Road, Parthasarathypuram,
T.Nagar, Chennai - 600 017.

2. The Secretary,
Dakshina Bharat Hindi Prachar Sabha,
Door No. 6-2-959,
Khairatabad,
Hyderabad, Telengana.

.. Respondents

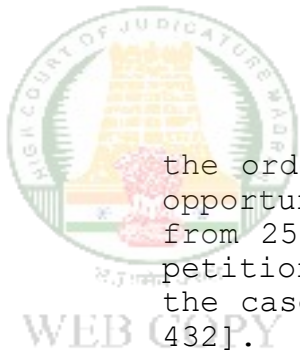
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the first respondent relating to the impugned order of suspension vide Letter No.PG/318/2020-2021 dated 25.01.2021, quash the same as illegal, arbitrary and unconstitutional.

For Petitioner : Mr. C.V.Shailandhran

O R D E R

This writ petition is filed to quash the impugned order of suspension passed by the first respondent vide Letter No.PG/318/2020-2021 dated 25.01.2021, as illegal, arbitrary and unconstitutional.

2. The petitioner is working as a Principal in Dakshina Bharat Hindi Prachar Sabha, Thyagaraya Nagar, Chennai. By the impugned order, the first respondent placed the petitioner under suspension in contemplation of disciplinary proceeding that was proposed by the second respondent for certain irregularities alleged to have been committed by the petitioner while he was in service at Hyderabad. The grievance of the petitioner is that



the order of suspension dated 25.01.2021, was without giving any opportunity to the petitioner and that the prolonged suspension from 25.01.2021, affects his livelihood. Learned counsel for the petitioner relies upon a judgment of Hon'ble Supreme Court in the case Ajay Kumar Choudhry Vs. Union of India [2015 (2) Scale 432].

3. It is admitted that in contemplation of disciplinary proceeding, the order of suspension was issued to the petitioner. Learned counsel appearing for the petitioner admitted that charges have been issued as on date. An order of suspension in contemplation of disciplinary proceeding is the normal / usual course available to any management in any system or establishment to secure better administrative control and in the interest of institution. In this case, no special circumstance is indicated by the petitioner to warrant interference by this Court. By the impugned order, the petitioner was placed under suspension with immediate effect in exercise of the power conferred by the Rules applicable to the employees of first respondent. It is also mentioned in the impugned order that as per Rule, the petitioner will be paid subsistence allowance subject to fulfilment of other conditions.

4. This Court has no reason to interfere with the order of suspension and hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

5. Learned counsel appearing for the petitioner states that though the petitioner is entitled to subsistence allowance even as per the impugned order, the respondents have not disbursed the subsistence allowance for the reasons best known to them. Learned counsel for the petitioner also refers to the representation of the petitioner dated 02.03.2021 whereby the petitioner requested the first respondent to release subsistence allowance as per the rules. This Court has no reason to disbelieve the statement of petitioner's counsel. Therefore, the first respondent is directed to consider the representation of the petitioner dated 02.03.2021 regarding release of subsistence allowance and disburse the same if he is entitled to it within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

bkn



To

1. The Registrar,
Dakshina Bharat Hindi Prachar Sabha,
Post Graduate and Research Institution,
No.15-22C, Melony Road, Parthasarathypuram,
T.Nagar, Chennai - 600 017.

2. The Secretary,
Dakshina Bharat Hindi Prachar Sabha,
Door No. 6-2-959,
Khairatabad,
Hyderabad, Telengana.

W.P. No.13884 of 2021

RLD(CO)
HS(06/08/2021)