



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.26801 of 2019
(Through Video Conference)

S.Selvakumar

...Petitioner

Vs

- 1) The Directorate of School Education,
Office of Directorate of School Education,
College Road, Chennai 600 006
- 2) The District Educational Officer,
Office of the District Educational Officer,
Thirupattur 635 601
- 3) Ramakrishna Higher Secondary School,
Rep. by the Secretary,
18/24, London Mission Road,
Thirupattur, Vellore District 635 601

4) Manavalan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in proceedings nil, dated 22.08.2019, on the file of the 3rd respondent and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.K.Tipu Sultan,
Government Advocate for R1 & R2
Mr.P.A.Sudesh Kumar, for R3 & R4

O R D E R

The petitioner, while working as a Teacher in Government aided Ramakrishna Higher Secondary School at Tirupattur, Vellore District, was placed under suspension, through an order dated 30.07.2019 and the same was extended vide letter dated 22.08.2019, which is impugned in the present writ petition. Aggrieved by the same, the petitioner has approached this Court by way of filing the present writ petition.

2. The guidelines governing a Government employee to be kept under prolonged suspension, has been dealt with by the



one week from the date of receipt of a copy this order.

5. At this juncture, the learned counsel for the petitioner submitted that during the period of suspension, the petitioner was not paid Subsistence Allowance from 01.02.2020. It is needless to point out that when the respondents have chosen to place the petitioner under suspension, with effect from 22.08.2019, the petitioner would be entitled for the payment of Subsistence Allowance, during his period of suspension. The non-payment of the same would be against the Regulations and the settled Principles of Law in this regard.

6. In this connection, the petitioner is granted liberty to seek for the payment of Subsistence Allowance for the period when the Allowance was not paid and on receipt of such representation from the petitioner, the respondent Management shall forthwith consider the representation and disburse the Subsistence Allowance for the period for which it was not paid. The third respondent shall ensure that the arrears of Subsistence Allowance is disbursed atleast within a period of two (02) weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands Allowed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sts

To:

- 1) The Directorate of School Education,
Office of Directorate of School Education,
College Road, Chennai 600 006
- 2) The District Educational Officer,
Office of the District Educational Officer,
Thirupattur 635 601.

+1cc to Mr.PA.Sudesh Kumar, Advocate, S.R.No. 35685
+1cc to Mr.V.Raghavachari, Advocate, S.R.No. 35248
+1cc to the Government Pleader, S.R.No. 35606

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SSV(CO)
GN(13/08/2021)