



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO.7366 OF 2022

AND

W.M.P.NO.7381 OF 2022

D.Parthiban

... Petitioner

vs.

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Joint Director of Collegiate Education,
College Road, Chennai - 600 015.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to pay Subsistence Allowance to the petitioner from 2018 onwards and to provide the documents which are mentioned in the memo of the 3rd respondent in Na.Ka.No.5947/A1/2021 dated 08.02.2022 so as enable the petitioner to give his explanation.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.M.Bindran
Additional Government Pleader

O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



2. This writ petition has been filed seeking to issue a Writ of Mandamus directing the 3rd respondent to pay Subsistence Allowance to the petitioner from 2018 onwards and to provide the documents which are mentioned in the charge memo of the 3rd respondent in Na.Ka. No.5947/A1/2021 dated 08.02.2022 so as enable the petitioner to give his explanation.

3. The case of the petitioner in brief:

The petitioner was selected through Teachers Recruitment Board and he was appointed as Assistant Professor (Tamil) on 28.07.2015. In such circumstances, he was placed under suspension vide order dated 19.09.2017 by the Government in G.O.(2D) No.61 Higher Education dated 19.09.2017, Thereafter, on 28.12.2017 he was served charge memo, framing charge under Rule 17(b) of the Tamil Nadu Government Servant (Discipline and Appeal) Rules, thereby calling upon the petitioner to give explanation. Subsequently, the petitioner was directed to appear before the Enquiry Officer. However, the petitioner was not paid Subsistence Allowance. The petitioner made his explanation and the enquiry officer has also sent the report. Again, the third respondent issued another charge memo on 08.02.2022 directing him to appear before them and to give explanation. According to the petitioner, the charge memo did not contain any complaints copy and the report of the enquiry officer. Therefore, the petitioner sought complaint copy and necessary documents, so as to enable him to give explanation. But the respondents, without providing the documents, now trying to proceed further. Hence this writ petition.

4. The contention of the petitioner is that he was not furnished the documents relying upon by the respondents in the charge memos and also not paid Subsistence Allowances during the period of suspension.

5. During the course of argument, the learned counsel appearing for the petitioner submitted that the respondents may be directed to pay Subsistence Allowance to the petitioner. He further submitted that in so far as the furnishing the documents is concerned, liberty may be granted to the petitioner to give fresh representation before the authorities concerned to provide documents.

6. The learned Additional Government Pleader has no serious objection to consider the request of the petitioner to pay Subsistence Allowance.



7. In view of the above submission and also considering the facts and circumstances of the case and to meet the ends of justice, without expressing any opinion on merits, this court is inclined to pass the following order.

WEB COPY

i) The respondents are directed to consider the request of the petitioner to pay Subsistence Allowance and to pass orders, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order.

ii) Liberty is granted to the petitioner to give fresh representation seeking to furnish the relevant documents.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Joint Director of Collegiate Education,
College Road, Chennai - 600 015.

+1cc to the Special Government Pleader, S.R.No.21770

W.P.No.7366 of 2022 and
WMP No.7381 of 2022

SKM(CO)
PM/19/04/2022