



W.P(MD)No.21365 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21365 of 2022

and

W.M.P.(MD)Nos.15536 & 15537 of 2022

C.Manimaran

... Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625002, Madurai District.

2.Kallar Kalvi Kazhagam, Usilampatti,
(Society Registration No.138/1967)
Rep. by its Secretary,
Pasumpon Muthuramalinga Thevar College Campus,
Usilampatti-625532, Madurai District.

3.The Secretary & Correspondent,
Pasumpon Muthuramalinga Thevar College,
Usilampatti-625532, Madurai District.

4.Principal in-charge,
Pasumpon Muthuramalinga Thevar College,
Usilampatti-625532, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 3rd respondent herein in



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Na.Ka.No. 456/2021 dated 09.05.2022, Quash the same, and further Direct the respondents herein to reinstate the petitioner as Assistant Professor, Economics Department in the 3rd respondent-College from 10.05.2022 onwards with salary, continuity of service and disburse subsistence allowance from 13.08.2021 to 12.12.2021 and salary from 13.12.2021 to 09.05.2022 with appropriate interest.

For Petitioner : Mr.E.V.N.Siva
For R1 : Mr.S.Shaji Bino
Special Government Pleader
For R2 & R3 : no appearance
For R4 : Mr.R.Ganesh Prabu

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 and the learned counsel appearing for R4.

2. The college management has been served and the name is also printed in the cause list. Court notice has been effected and yet, there is no representation on the side of the college management.

3. The writ petitioner is employed as Assistant Professor in Economic Department in Pasumpon Muthuramalinga Thevar College. He was implicated



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in a case arising under NDPS Act. Crime No.195 of 2021 was registered on the file of the Sindupatty Police Station. He was arrested and later, released on bail. He was suspended from service on 13.08.2021. The suspension order was revoked and he was reinstated on 13.12.2021. The petitioner was allowed to work till 09.05.2022. The petitioner was relieved with effect from 10.05.2022 by passing the impugned proceedings dated 09.05.2022 and he was not allowed to report for duty ever since.

4. The grievance of the petitioner is that he has not been paid subsistence allowance or salary for the period which he has worked. That led to filing of the present writ petition.

5. The petitioner is a permanent employee of an aided private college. His service conditions are governed by Tamil Nadu Private Colleges (Regulation) Act and the rules framed thereunder. Such an employee cannot be kept under suspension beyond a period of four months. Thereafter, he is deemed to have been reinstated. That is the effect of Section 19 of the Act. The petitioner is therefore eligible to receive subsistence allowance for the period when he was under suspension from 13.08.2021 till 12.12.2021. The petitioner has worked from 13.12.2021 till 09.05.2022. The period for which



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the petitioner has worked. It is the Department that must make payment. But for the other two periods, it is the college management which has to pay.

6. I therefore dispose of this writ petition with the following directions:-

(I) The first respondent is directed to pay arrears of salary for the period from 13.12.2021 till 09.05.2022 to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

(II) The college management is directed to pay subsistence allowance for the period from 13.08.2021 till 12.12.2021. The college management is also directed to pay the salary arrears for the period from 10.05.2022 till date and the college management shall continue to pay monthly salary payable to the petitioner. Any default would attract contempt proceedings.

7. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitioners are closed.

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Index : Yes / No
Internet : Yes/ No
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To

WEB COPY

The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
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G.R.SWAMINATHAN, J.

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