



W.P.No.19317 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.19317 of 2020

A.Mohideen Abdul Khader

...

Petitioner

/vs/

1. The Secretary & Correspondent,
Islamiah College (Autonomous),
New town, Vaniyambadi – 635 752,
Tirupattur District.

2. The Director of Collegiate Education,
9th Floor, EVK Sampath building,
College Road, Nungambakkam,
Chennai – 600 006.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to pay the salary of the petitioner for the period from 01.04.2019 to 03.11.2019, the period in which he was working and from 04.11.2019 to 29.02.2020, the period in which he was under suspension.



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For Petitioner ... Mr.K.Venkataraman
Senior Counsel
for Mr.M.Alagu Goutham
For Respondents ... Mr.I.Kowser Nissar for R1
Mr.G.Nanmaran
Special Govt. Pleader for R2

ORDER

This Writ Petition has been filed to direct the first respondent to pay the salary of the petitioner for the period from 01.04.2019 to 03.11.2019, the period in which he was working and from 04.11.2019 to 29.02.2020, the period in which he was under suspension.

2. The petitioner who is said to have been appointed as Physical Education Director in the first respondent college got regularized on 14.09.2010. Subsequently the petitioner got implicated in a criminal case on 04.04.2019 and it is pending. However, a charge memo has been served upon the petitioner on 29.04.2019. The petitioner submitted his explanation to the management and an Enquiry Officer has been appointed and his enquiry is pending. The petitioner made a request before the disciplinary authority to stop the proceedings until the disposal of the criminal case but the said request of the petitioner was rejected on



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24.06.2019. During pendency of the disciplinary proceedings, the petitioner was suspended on 04.11.2019. However the petitioner gave a representation for providing subsistence allowance during the period of suspension and also to disburse his salary for the period for which he worked with the first respondent society.

3. Irrespective of the fact whether the criminal proceedings or disciplinary proceedings pending against the petitioner, the petitioner is still under suspension. Getting subsistence allowance is the fundamental right of the petitioner and the respondents cannot deny the same.

4. Since the petitioner's representation has not been considered by the respondent, I feel a direction is essential to direct the first respondent to consider the representation of the petitioner dated 20.01.2020 and pass orders within a time frame.

5. Accordingly, this Writ Petition is disposed with a direction to the



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first respondent to consider the petitioner's representation dated 20.01.2020

and pass orders within a period of six weeks from the date of receipt of a

copy of this order. No costs.

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Index: Yes / No

Speaking order / Non-speaking order

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To:

WEB COPY

The Director of Collegiate Education,
9th Floor, EVK Sampath building,
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R.N.MANJULA ,J.

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