



W.P.No.35248 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.35248 of 2022

S.Jayakumar

... Petitioner

Vs.

1.The District Educational Officer,
Sirkali,
Mayiladuthurai District.

2.The Head Master,
Thavasa Muthu Nadar Higher Secondary School,
Poraiyar,
Mayiladuthurai District-609 307.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the first respondent to issue
an order for the payment of subsistence allowance to the petitioner with the
arrears based on his representation dated 09.09.2022, within a stipulated
time as fixed by this Court.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER



W.P.No.35248 of 2022

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to issue an order for the payment of subsistence allowance to the petitioner with the arrears based on his representation dated 09.09.2022, within a stipulated time to be fixed by this Court.

3.The grievance of the petitioner in this writ petition is that even though he was suspended from service on 22.11.2021, he has not been paid with his subsistence allowance till date by the first respondent. The petitioner was employed as a Teacher in the second respondent School and he has been suspended from service on account of the fact that a criminal case was pending against him and he was also arrested by the police. The petitioner has given a representation on 09.09.2022 requesting the first respondent to pay his subsistence allowance. According to the petitioner, till date, the same has not been paid. In such circumstances, he has filed this



W.P.No.35248 of 2022

writ petition.

WEB COPY

4.Heard Mr.A.Suresh Sakthi Murugan, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate, who accepts notice on behalf of the respondents.

5.No prejudice would be caused to the respondents if the petitioner's representation as stated supra is considered, on merits and in accordance with law, within a time frame to be fixed by this Court.

6.For the foregoing reasons, this Court directs the first respondent to pass final orders, on merits and in accordance with law on the petitioner's representation dated 09.09.2022 seeking for payment of his subsistence allowance with arrears, within a period of twelve weeks from the date of receipt of a copy of this order.



WEB COPY



W.P.No.35248 of 2022

ABDUL QUDDHOSE, J

vga

7. With the aforesaid direction, this writ petition is disposed of. No costs.

03.01.2023

vga

Index: Yes/No

To

1. The District Educational Officer,
Sirkali,
Mayiladuthurai District.
2. The Head Master,
Thavasa Muthu Nadar Higher Secondary School,
Poraiyar,
Mayiladuthurai District-609 307.

W.P.No.35248 of 2022