



W.P.(MD).No.14063 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14063 of 2022

S.Subbian

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Nagercoil Educational District,
Nagercoil,
Kanyakumari District.

2.The Chief Educational Officer,
Nagercoil Circle,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the subsistence allowance to the petitioner from 30.11.2017 till date, as per the provisions contemplated under Rule 53(1) of the Tamil Nadu Government Fundamental Rules.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.N.GA.Natraj
Government Advocate



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ORDER

The present writ petition has been filed by a Secondary Grade Teacher seeking a Mandamus for disbursal of the subsistence allowance from 30.11.2017 onwards as per Rule 53(1) of the Tamil Nadu Government Fundamental Rules.

2. An FIR was registered as against the writ petitioner and he was suspended on 04.02.2016. Subsistence allowance was paid from the said date onwards. However, the petitioner was convicted by the Criminal Court on 17.04.2018. Based upon the said conviction, the Department had stopped payment of the subsistence allowance. It is settled position of law that till an employee is dismissed from service, he is entitled to payment of subsistence allowance. The petitioner had made several representations to the first respondent herein seeking payment of subsistence allowance.

3. Considering the above said facts, the first respondent is directed to disburse the subsistence allowance to the writ petitioner from 30.11.2017



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onwards, within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

17.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The District Elementary Educational Officer,
Nagercoil Educational District,
Nagercoil,
Kanyakumari District.

2.The Chief Educational Officer,
Nagercoil Circle,
Nagercoil,
Kanyakumari District.



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R.VIJAYAKUMAR, J.

BTR

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