



WEB COPY



W.P.No.7593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7593 of 2024

T.Ravichandran

...Petitioner

-Vs-

1. The Member Secretary,
Teachers Recruitment Board,
Chennai-600 006.

2. D.Parimala

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to pay the arrears of subsistence allowance from the month of March-2023 and continue to pay the subsistence allowance every month on the basis of the petitioner's representation dated 20.09.2023.

For petitioner

: Mr.M.Gnanasekar

For respondent 1

: Mr.R.Neelakandan
Additional Advocate General
Assisted by
Mr.R.Siddarth
Government Advocate



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ORDER

This writ petition has been filed for direction to the respondent to pay subsistence allowance with arrears.

2. The petitioner was appointed as Office Assistant in the Teachers Recruitment Board on 01.11.1988. Due to family dispute a complaint was lodged against him and on the said complaint the petitioner was issued with charge memo. Therefore, the petitioner was not allowed to retire and now he is under suspension. The petitioner challenge the charge memo before this Court in W.P.No.31822 of 2017 and the same is pending with interim order of stay. From the date of his suspension, the petitioner was paid subsistence allowance till March 2023. Thereafter, he was not paid any subsistence allowance.



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3. The learned Additional Advocate General submitted that the post of the petitioner was already surrendered to Government and no such post is available in the first respondent's Department. Therefore, the first respondent not able to pay subsistence allowance. Hence, the first respondent had written a letter to the Government in this regard. Immediately, on receipt of the same the petitioner will be paid all arrears and subsistence allowance.

4. Once the petitioner was placed under suspension the first respondent is duty bound to pay the subsistence allowance. If the said post of the petitioner was already surrendered, the first respondent ought to have revoke the order of suspension and deploy him to the Government.

5. In view of the above, the first respondent is directed to pay the arrears of subsistence allowance and also directed to continue to pay the subsistence allowance till revocation of order of suspension.



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6. With the above direction, this writ petition is disposed of. No costs.

22.03.2024

Index : Yes/No
Speaking/Non Speaking Order
Neutral Citation : Yes/No
gvn

To

The Member Secretary,
Teachers Recruitment Board,
Chennai-600 006.

G.K.ILANTHIRAIYAN,J.

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