



WEB COPY



W.P.No.10769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10769 of 2024
and W.M.P.No.11863 of 2024

Dr.Arul Lawrence A.S.

.. **Petitioner**

Vs.

1.The State of Tamil Nadu
Rep.by its Principal Secretary
Department of Higher Education
Fort St.George, Chennai – 600 009.

2.The Tamil Nadu Open University
Rep.by its Registrar
No.577, Anna Salai
Saidapet, Chennai – 600 015.

.. **Respondents**

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 2nd respondent Tamil Nadu Open University to disburse the (revocation) subsistence allowance to the petitioner with effect from 01.04.2023 till the culmination of the disciplinary proceedings or the revocation of the order of suspension in



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terms of the norms in vogue by considering his representations dated 24.05.2023 01.06.2023 and 13.02.2024.

For the Petitioner : Ms.H.Mary Sowmi Rexi

For the Respondents : Mr.R.Kumaravel, AGP
for R1
Mr.P.Sanjay Gandhi
Standing Counsel for R2

ORDER

The prayer in the Writ Petition is to direct the 2nd respondent - University to pay the subsistence allowance to the petitioner with effect from 01.04.2023, till the completion of the disciplinary proceedings.

2. Though the matter came up for admission, this Court requested Mr.Sanjay Gandhi, learned Standing Counsel, to take notice on behalf of the 2nd respondent – the University.

3. It can be seen from the records that the petitioner is in suspension. So long as the petitioner is in suspension, he is entitled for subsistence



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allowance as may be prescribed under the Rules.

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4. The learned Standing Counsel appearing for the 2nd respondent submits that the petitioner has received the subsistence allowance for the first six months.

5. Be that as it may, in respect of the period to which the petitioner is not paid, the respondents are liable to calculate and pay the same as per the Rules. Further, the respondents are liable to continue to pay the subsistence allowance till the culmination of the disciplinary proceedings.

6. Therefore, the Writ Petition is disposed of with the following directions:-

(i) The 2nd respondent is directed to calculate, sanction and pay the subsistence allowance to the petitioner and pay all the arrears within a period of 12 weeks from the date of receipt of a copy of the order.

(ii) The 2nd respondent shall also continue to pay the subsistence



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allowance, so long as the petitioner remains under suspension.

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(iii) No costs. Consequently connected miscellaneous petition is closed.

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Index : Yes
Neutral Citation : No
Speaking order : Yes

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To
1.The Principal Secretary
State of Tamil Nadu
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Fort St.George, Chennai – 600 009.

2.The Registrar
Tamil Nadu Open University
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D.BHARATHA CHAKRAVARTHY, J.

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