



W.P.(MD).No.2264 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2264 of 2024

Arms Nallathambi

... Petitioner

Vs.

1.The Chief Educational Officer,
Kanyakumari.

2.The Headmaster,
Govt. High School,
Thirupathisaram,
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 1st respondent to pay the subsistence allowance to the petitioner before the 7th day of each month and also arrear amount to be payable from the date of suspension.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate



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ORDER

The present writ petition has been filed seeking direction to the 1st respondent to pay the subsistence allowance to the petitioner before the 7th day of each month and also arrear amount to be payable from the date of suspension.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was suspended from the service with effect from 25.08.2022. However, the petitioner was not provided with subsistence allowance under Fundamental Rule No.53(1). Hence, he made a representation to the 1st respondent for the same. Since the same was not acted upon, the present writ petition came to be filed.

3. The learned Government Advocate appearing for the respondents submitted that the petitioner ought to have sought to the 2nd respondent for



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grant of subsistence allowance. But, the petitioner made a representation only to the 1st respondent instead of 2nd respondent. The said submission is recorded.

4. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Carefully perused the materials available on record.

5. Recording the said submissions of the learned Government Advocate, this Court hereby direct the petitioner to make an application before the 2nd respondent. On receipt of the same, the 2nd respondent is directed to take necessary action on the said representation within a period of four (4) weeks therefrom.

6. Accordingly, this Writ Petition stands disposed of. No costs.

20.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

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