



W.P.(MD).No.29420 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29420 of 2024

Ramachandran K.

... Petitioner

Vs.

1.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2. The District Educational Officer,
(Elementary Education)
Office of the District Educational Officer,
Government Boys Higher Secondary School Campus,
Paramakudi,
Ramanathapuram District – 623 707.

... 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 pay the 75% of the subsistence allowance based upon the representation dated 24.09.2024 in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alugumani



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For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The instant Writ Petition has been filed by a Secondary Grade Teacher seeking a Mandamus directing the respondents to pay 75% of the subsistence allowance based upon his representation dated 24.09.2024.

2. The petitioner herein was placed under suspension by an order dated 26.02.2023, for being implicated in a criminal case registered by the CBI. The petitioner was issued with a charge memo on 25.07.2023. The petitioner has submitted his detailed explanation on 11.08.2024. However, Enquiry Officer has not been appointed, so far.

3. Since the suspension period has exceeded six months, the petitioner has given a representation on 11.08.2024, seeking to enhance the subsistence allowance to 75%. The petitioner had made similar representations on 12.09.2024 and 24.09.2024. Since the same have not been considered, the present writ petition has been filed.



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4. According to the learned counsel appearing for the writ petitioner, as per Fundamental Rules 53(1), the petitioner would be entitled to receive 75% of subsistence allowance, in case, if the enquiry could not be completed within a period of six months. Hence, he prayed for allowing the writ petition.

5. Per contra, the learned Government Advocate appearing for the respondents herein had contended that the petitioner has been placed under suspension and a charge memo has been issued pursuant to his implication in a criminal case registered by CBI. In such an event, the question of enhancing the subsistence allowance from 50% to 75% does not arise. He further contended that the charges as against the writ petitioner are serious in nature.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

7. The petitioner has been suspended on 26.02.2023 and a charge memo has been issued to him on 25.07.2023, for which the petitioner has submitted his explanation on 11.08.2024. So far, Enquiry Officer has not been appointed. Therefore, no fault could be attributed to the writ petitioner in



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conducting the enquiry proceedings. In such circumstances, this Court is of the considered view that the petitioner is entitled to receive the enhanced subsistence allowance of 75%.

8. In view of the above said deliberations, the second respondent is directed to pay the subsistence allowance at the rate of 75% from September 2023 onwards, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

19.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR,J.

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W.P(MD)No. 29420 of 2024

19.12.2024