



WEB COPY



W.P. No.46775 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 02.12.2025

CORAM:

**THE HON'BLE MR. JUSTICE M. DHANDAPANI**

W.P. No.46775 of 2025

G.Pitchandi

Petitioner

Vs

1. The Chief Educational Officer  
Ranipet District,  
Chief Educational Office,  
Ranipet-632 401.

2.The Head Master  
Government Boys Higher Secondary School,  
Kalavai, Ranipet District-632 506.

Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1<sup>st</sup> respondent dated 23.10.2025 bearing Na.Ka. No.4721/ Aa4/ 2022 and to quash the same as illegal and consequently to direct the 1<sup>st</sup> respondent to provide the annual increment for the month of July, 2023 and also to pay the subsistence allowance at 75% from 09.05.2023 till 10.11.2023 along with its respective arrears and interest thereon at 24% per annum to the petitioner.

For petitioner : Mr. S.R. Karthikeyan  
For respondents : Ms.Mythreye Chandru  
Spl. Govt. Pleader



W.P. No.46775 of 2025

## **ORDER**

WEB COPY

This writ petition has been filed to call for the records relating to the proceedings of the 1<sup>st</sup> respondent dated 23.10.2025 bearing Na.Ka. No.4721/Aa4/ 2022 and to quash the same as illegal and consequently to direct the 1<sup>st</sup> respondent to provide the annual increment for the month of July, 2023 and also to pay the subsistence allowance at 75% from 09.05.2023 till 10.11.2023 along with its respective arrears and interest thereon at 24% per annum to the petitioner.

2. It is stated that the petitioner is a Teacher working in a Government School. Owing to alleged job racketing case, he was arrested on 09.11.2022 in a criminal case was registered against him. Consequently he was placed under suspension on the same day itself. Subsequently, he was released on bail on 22.12.2022. Thereafter, he submitted several representations to the respondents seeking reinstatement in service after his release on bail; however, no action was taken on the same. Eventually, the suspension of the petitioner was revoked by the respondents on 10.11.2023, and he was permitted to rejoin duty. At that point of time, he sent a representation dated 14.08.2025 to the 1<sup>st</sup> respondent to sanction and disburse the arrears of annual increments from July 2023 with interest as well as to pay the balance subsistence allowance for the



month of October 2023. In response, the 1<sup>st</sup> respondent passed the impugned order dated 23.10.2025 denying the request of the petitioner with regard to annual increment due in July 2023 and the subsistence allowance for the month of October 2023, citing the pendency of disciplinary proceedings and the petitioner's arrest in the criminal case.

3. Aggrieved by the denial of annual increment and enhancement of subsistence allowance despite revocation of suspension, he has filed the present writ petition challenging the impugned proceedings dated 23.10.2025, as being arbitrary, illegal, and contrary to the service rules and principles of natural justice.

4. Learned counsel for the petitioner submitted that the petitioner was paid 50% subsistence allowance from 09.11.2022 to 30.09.2023. After completion of six months of suspension, the petitioner became entitled to 75% subsistence allowance as per FR 53, since the delay in revocation of suspension was not attributable to him and he had repeatedly sought reinstatement.

5. However, from 01.10.2023 to 10.11.2023, the respondents paid only 25%, which is not contemplated under FR 53(i)(a)(ii) and (iii). He further



W.P. No.46775 of 2025

submitted that reduction below 50% is impermissible and that the order dated 07.11.2023, reducing subsistence allowance, was not served on the petitioner. Hence, denial of the balance subsistence allowance of Rs.28,187/- and the increment for July 2023 is arbitrary. Thus, the impugned proceedings dated 23.10.2025 issued by the 1<sup>st</sup> respondent has to be quashed and sought consequential directions as prayed.

6. Per contra, the learned Special Government Pleader appearing for the respondents submitted that the petitioner, along with his son, was involved in a serious criminal case relating to job racketing and cheating to the tune of Rs.72,00,000/-, pursuant to which he was arrested and remanded. Due to his own involvement in the criminal case, the suspension continued beyond six months. He further submitted that exercising discretion under FR 53(i)(a), the respondents, reduced the subsistence allowance from 01.10.2023, as the prolongation of suspension was attributable to the petitioner. Without challenging the order dated 07.11.2023, the petitioner cannot seek enhanced subsistence allowance with interest. He also submitted that since the petitioner was under suspension on the crucial date, the increment for July 2023 cannot be granted. In view of the above, he prays for dismissal of this writ petition.



7. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

8. Admittedly, the petitioner was arrested in a criminal case and was placed under suspension. From the submissions, it is noted that the petitioner involved in money laundering and has been imprisoned. On a reading of FR 53, it is noted that payment of subsistence allowance beyond the initial period and its enhancement or reduction lies within the discretion of the competent authority, depending on whether the prolongation of suspension is attributable to the Government servant. Thus, the entitlement to subsistence allowance during suspension is governed by Fundamental Rule 53. Fundamental Rule 53 is extracted hereunder :-

***FR 53(1)(a):***

*A Government servant who is placed under suspension shall be entitled to subsistence allowance at an amount equal to 50% of the pay last drawn, together with such allowances as may be admissible.*

***FR 53(1)(a)(i):***

*i) If the period of suspension exceeds six months, the authority competent to place the Government servant under suspension may vary the amount of subsistence allowance, as follows:*

*(ii) The subsistence allowance may be increased, but not exceeding 75% of the pay, if the period of suspension has been prolonged for reasons not*



W.P. No.46775 of 2025

*directly attributable to the Government servant.*

*(iii) The subsistence allowance may be reduced, but not below 25% of the pay, if the period of suspension has been prolonged due to reasons directly attributable to the Government servant.*

9. In the present case, the 1<sup>st</sup> respondent has recorded reasons that the continuation of suspension was due to the petitioner's involvement in the criminal case. The subsistence allowance was paid at 50% up to 30.09.2023, and thereafter reduced by exercising discretion under FR 53. This Court also noted that the petitioner has not independently challenged the order dated 07.11.2023 reducing the subsistence allowance and seeks enhanced payment with interest, which is impermissible.

10. Further, it is settled law that an employee under suspension on the crucial date is not entitled to annual increment, and the same can be considered only after the disciplinary proceedings are concluded and the suspension period is regularised.

11. In view of the above, this Court finds no infirmity in the impugned order dated 23.10.2025 passed by the 1<sup>st</sup> respondent.



W.P. No.46775 of 2025

12. With regard to the claim for annual increment for July 2023, it is well settled that a Government servant who is under suspension on the crucial date is not entitled to increment, and such increment can be considered only after conclusion of disciplinary proceedings and regularisation of the suspension period.

13. For the foregoing reasons, this writ petition stands dismissed. No costs.

02.12.2025

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation : Yes/No  
vsi2



WEB COPY



W.P. No.46775 of 2025

**M. DHANDAPANI, J.**

vsi2

To

1. The Chief Educational Officer  
Ranipet District,  
Chief Educational Office,  
Ranipet-632 401.

2. The Head Master  
Government Boys Higher Secondary School,  
Kalavai, Ranipet District-632 506.

W.P. No.46775 of 2025

02.12.2025