



W.P.(MD)No.4495 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.4495 of 2025

S.S.Sankaranarayanan

... Petitioner

Vs.

1. The Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai 600 006

2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Tenkasi District,
Tenkasi.

3. The Headmaster,
Government High School,
Thazhai Subramamapuram,
Tenkasi Taluk and District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to disburse subsistence allowance to the petitioner from the date of his suspension dated 24.09.2024, by considering the petitioner's representation dated 16.11.2024 within a time frame stipulated by this Court.



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For Petitioner : Mr.J.Jabesam Goodley

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed seeking a writ of mandamus to direct the second respondent to disburse subsistence allowance to the petitioner from the date of suspension i.e on 24.09.2024 by considering his representation dated 16.11.2024 within a time frame.

2. The case of the petitioner is that he is working as Junior Assistant in the third respondent school. The petitioner was kept under suspension by the second respondent vide order dated 24.09.2024, which was received by the petitioner on 25.09.2024 around 4.30 p.m. Though it is stated in the suspension order that the petitioner would be paid subsistence allowance and other allowances as admissible under the fundamental rules, it was not paid. The petitioner submitted several representations. As there is no action from the respondents, against their inaction, he filed the present writ petition.

3. The learned counsel for the petitioner would submit that it is mandatory requirement that if any Government employee is placed under



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suspension, he is entitled to payment of subsistence allowance in accordance with law under the Fundamental Rules 53(1). The petitioner is the sole bread winner of his family and as such, non-payment of subsistence allowance will cause an immense hardship to the petitioner and it will affect his right also.

4.Mr.T.Amjad Khan, learned Government Advocate, on instructions, would submit that subsistence allowance is paid to the petitioner on 21.02.2025.

5. Having heard the submissions of the respective counsels, it appears that though the petitioner was suspended by order dated 24.09.2024 by the second respondent, he was not paid the subsistence allowance till 21.02.2025, which is contrary to the Fundamental Rule 53(1). The second respondent has to pay the subsistence allowance every month to the petitioner till completion of the disciplinary proceedings but it is not paid to him till February 2025.

6. This Court has no hesitation to hold that the second respondent, without following the procedure provided under law to pay the subsistence allowance to the petitioner every month, caused irreparable loss and inconvenience to the petitioner. If an employee after suspension from service is not in a position to get the subsistence allowance, he could not attend the day to



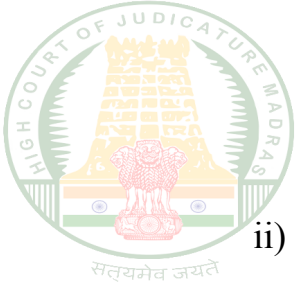
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day needs of his family. Non-payment of subsistence allowance to the petitioner

in not following the procedure by the second respondent would cause difficulties not only to the petitioner but also to the entire family. On considering the admitted fact that the petitioner is not paid subsistence allowance from the month of October 2024 to February 2025 it is the duty of the Court to compensate the petitioner by awarding cost upon the competent authority i.e the second respondent. Secondly, without making payment of subsistence allowance to the petitioner as per the Rules and without considering the representation dated 16.11.2024 submitted by the petitioner with the said request, the second respondent forced the petitioner to approach this Court by spending some amount for the legal expenses. The second respondent is liable to pay the said expenses to the petitioner.

7. For the aforesaid reasons, this writ petition is allowed with the following directions:

i)The second respondent is directed to pay subsistence allowance from the date of suspension i.e from 24.09.2024;



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ii) The second respondent shall pay Rs.50,000/-(Rupees Fifty Thousand Only) towards compensation and costs to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

8. This Court intends to order payment of compensation and costs for the legal expenses incurred by the petitioner upon the second respondent to send a clear message to all the Government Officers to sensitize them in implementing the rules and follow the law in a proper manner.

There shall be no order as to costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
CM



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BATTU DEVANAND, J.

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