



W.A.(MD)No.654 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.654 of 2025

&

C.M.P.(MD)No.4659 of 2025

1.The Secretary,
Ayya Nadar Janaki Ammal College,
Sivakasi, Virudhunagar District.

2.The Principal,
Ayya Nadar Janaki Ammal College,
Sivakasi, Virudhunagar District.

... Appellants

-Vs-

1.N.Tensingh Balaiah

2.The Joint Director of Collegiate Education,
Madurai Region, Madurai District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 21.10.2024 made in W.P.(MD)No.24878 of 2024 on the file of this Court.

For Appellants : Mr.M.Senthilkumar



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For R1 : Mr.H.Mohamed Imran,
for M/s.Ajmal Associates

For R2 : Mr.J.Ashok,
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **S.SRIMATHY, J.**]

This Writ Appeal is directed against the order dated 21.10.2024 made in W.P.(MD)No.24878 of 2024.

2.The writ petitioner has filed the said Writ Petition, seeking for a direction to the respondents 2 and 3 / appellants herein to consider his representation dated 13.09.2024 to pay half salary for the period 01.06.2022 to 31.07.2022 and full salary from 15.02.2024 onwards pending approval on the proposal of dismissal of the writ petitioner from service pending on the file of the 1st respondent / 2nd respondent herein.

3.The learned Single Judge, after considering the rival claim, disposed of the said Writ Petition, directing the appellant College to disburse the eligible subsistence allowance from the date of suspension till the date of order passed by the 1st respondent / 2nd respondent herein for approving or disapproving the dismissal of the writ petitioner.

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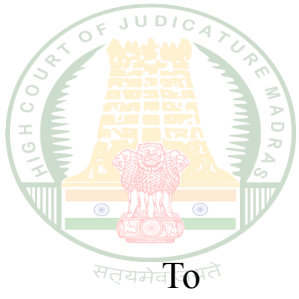
4.It is to be noted that there is no dispute between the parties that the subsistence allowance was paid to the writ petitioner from the date of suspension ie., 02.12.2021 to the date of dismissal ie., 14.12.2024. Even though as per the resolution, the writ petitioner was dismissed on 15.02.2024, the 2nd respondent has granted approval on 07.10.2024, but the effect was given from 15.02.2024. Under these circumstances, the contention of the appellant College is that they are not liable to pay any subsistence allowance and the writ petitioner is not entitled for the same. Further, it was placed before this Court that the dismissal order was challenged before this Court in W.P.(MD)No.31181 of 2024 and the same is pending. In such view of the matter, this Court is of the considered opinion that this issue is also to be raised in that pending Writ Petition. Therefore, the parties are directed to raise this issue in the said pending Writ Petition.

5.With the above direction, this Writ Appeal is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
23.04.2025

NCC : Yes / No
Index : Yes / No
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AND
S.SRIMATHY, J.

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