



W.P.(MD).No.7185 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.7185 of 2024
and W.M.P.(MD)No.6640 of 2024

Balasubramanian

... Petitioner

Vs

1. The District Educational Officer (Secondary),
Tenkasi District,
Tenkasi.

2. The Secretary,
Bala Vinayagar High School,
Sivagiri,
Tenkasi District.

3. The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.44/2023)

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings in Oo.M.No.2194/A5/2023 dated 05.09.2023 on the file of the 1st respondent and quash the same as illegal and further directing the 1st respondent to disburse subsistence allowance to the petitioner for the period from 10.02.2023 to 12.06.2023 and further to disburse the entire salary to the petitioner from 13.06.2023 to till date by considering the representation of the petitioner dated 22.02.2024.



WEB COPY



W.P.(MD).No.7185 of 2024

For Petitioner : Mr.K.Jeyamohan
For Respondent Nos.1 & 3 : Mr.N.Satheeshkumar
Additional Government Pleader
For Respondent No.2 : Mr.S.Chellapandian

ORDER

The instant writ petition has been filed by BT Assistant working in the second respondent school seeking to quash the order passed by the first respondent on 05.09.2023, wherein, the request of the management for disbursement of subsistence allowance has been rejected.

2. A perusal of the records reveal that on 10.02.2023, the petitioner herein was implicated in a criminal case in Crime No.44 of 2023 on the file of Inspector of Police, Sivagiri Police Station, Tenkasi District for the offences punishable under Section 11(1) and 12 of Protection of Children from Sexual Offences Act, 2012. Pursuant to the said criminal case, the petitioner was placed under suspension from 10.02.2023, by the second respondent management. The school committee has convened a meeting and they have taken decision to revoke the order of suspension subject to the out come of the said criminal case. On 12.06.2023, the order of suspension has been revoked and the petitioner has rejoined in duty on 14.06.2023. The management has addressed a communication to the authorities for disbursement of subsistence



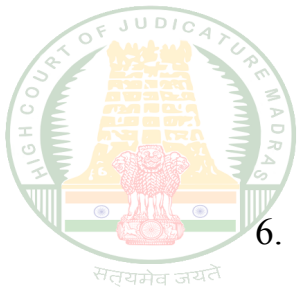
W.P.(MD).No.7185 of 2024

allowance for the suspension period between 10.02.2023 to 12.06.2023. Under the impugned order dated 05.09.2023, the said proposal of the management has been rejected, on the ground that only after the disposal of the criminal case the said proposal can be considered. This order is put to challenge in the present writ petition.

3. According to the learned Counsel appearing for the writ petitioner, when the order of suspension is revoked by the management the authorities ought to pay the subsistence allowance as well as the pay the regular salary with effect from 14.06.2023.

4. The learned Counsel appearing for the second respondent management had submitted that they have revoked the order of suspension only subject to the out come of the criminal case and therefore the authorities ought to have disbursed the eligible subsistence allowance to the writ petitioner.

5. Per contra, the learned Additional Government Pleader appearing for the respondent Nos.1 & 3 had contended that during the period of suspension the petitioner was in judicial custody for few days. In such circumstances, the question of regularizing the suspension period or payment of arrears of salary or subsistence allowance cannot be considered.



W.P.(MD).No.7185 of 2024

6. In view of the above said facts, this Court is inclined to pass the following order:

a) As far as the request of the petitioner for payment of subsistence allowance is concerned, the same shall be decided by the authorities concern depending upon the out come of the criminal proceedings.

b) The authorities are directed to disburse subsistence allowance to the writ petitioner with effect from 14.06.2023.

c) The said exercise shall be completed within a period of eight weeks from which salary bills are submitted by the second respondent management.

7. With the above said observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.01.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
gvn



W.P.(MD).No.7185 of 2024

WEB COPY

To

1. The District Educational Officer (Secondary),
Tenkasi District,
Tenkasi.

2. The Secretary,
Bala Vinayagar High School,
Sivagiri,
Tenkasi District.

3. The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.



WEB COPY



W.P.(MD).No.7185 of 2024

R.VIJAYAKUMAR, J.

gvn

W.P.(MD)No.7185 of 2024

28.01.2025