



W.P(MD)No.15380 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD). No.15380 of 2022 and
WMP(MD) No.14048 of 2024

Ganesan

... Petitioner

Vs

1.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli 627 009.

2.The District Education Officer,
Vallioor Education District,
Vallioor,
Radhapuram Taluk,
Tirunelveli District.

3.The Administrator,
Concordia Higher Secondary School,
Vadakkankulam, Tirunelveli District.
Having Office At,
Indian Evangelical Lutheran Church (IELC),
Head Quarters,
No.5, Kamaraj 1st Street,
Thiruvannmiyoor,
Chennai – 600 041.

...Respondents



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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 entire subsistence allowance to the petitioner from 23.09.2000 as permitted by law, within a stipulated time as directed by this Hon'ble Court, by considering his representation, dated 07.05.2022.

For Petitioner	: Mr.S.R. Anbarasu.
For R1 & R2	: Mr.K.Balasubramani Special Government Pleader
For R3	: Mr.Mohammed Imran for M/s.Ajmal Associates

ORDER

The petitioner was appointed as a Physical Education Teacher in Concordia Higher Secondary School, Vadakkankulam, Tirunelveli District/the third respondent herein, on 04.06.1991. He was placed under suspension on 23.09.2000, for his involvement in two criminal cases in Crime No.149 of 2000, dated 22.09.2000, which was registered for the offence under Section 3(k) of TNPSC Rules 1984 r/w 4(1) (aaa) 14(a) of Tamil Nadu Prohibition Act r/w Section 21, 24, 14(4) of Tamil Nadu Prohibition Act and another case in Crime No.360 of



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2001, by Thukalay Police Station, under Section 3(k) of TNPSC Rules, 1984 r/w Section 4(a) (aaa) 21 and 24 of Tamilnadu Prohibition Act. The grievance of the petitioner is that though he was suspended on 23.09.2000, he was not paid with the subsistence allowance. Therefore, he has filed this writ petition in the year 2022, seeking a Mandamus, directing the respondents to pay the entire subsistence allowance from 23.09.2000.

2.The learned counsel appearing for the third respondent submits that due to dispute in the Management of the School, election was not conducted and on the directions of this Court, a retired Honourable Judge was appointed as an Administrator to conduct the election. The Honourable Judge has also conducted the election and the new office bearers have assumed the office. Therefore, there is some delay in settling the subsistence allowance to this petitioner.

3.Considering the submission made by the learned counsel for the third respondent that under the supervision of a retired Honourable Judge of this Court, election for the third respondent



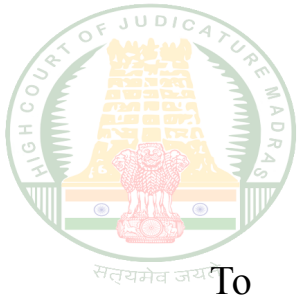
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Management has been conducted and new office bearers have been assumed office, this writ petition is disposed of, with liberty to this petitioner to submit a fresh representation along with a copy of this order to the present management, within a period of two weeks from the date of receipt of a copy of this order. The present Management shall consider the case of this petitioner and pay the eligible subsistence allowance to this petitioner, as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981, within a period of twelve weeks from thereon. No costs. Consequently, connected Miscellaneous Petition is closed.

09.01.2025

NCC:Yes/No
Index:Yes
vrn



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B.PUGALENDHI, J.

vrn

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