



WP(MD). No.26879 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**WP(MD). No.26879 of 2025
and
W.M.P(MD).No.20872 of 2025**

K.R.Seethalakshmi,

... Petitioner

Vs

The Registrar,
Anna University,
Sardar Patel Road,
Chennai-600 025..

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of CERTIORARIFIED MANDAMSUS, calling for the records pertaining to the proceedings of the respondent in Memo No.AU/RC-MDU/PERSONNEL/EC1/2025 dated 06.06.2025, quash the same and further directing him to disburse the enhanced subsistence allowance to the petitioner as per section 4(xii) of Anna University Statutes on Disciplinary Procedure.

For Petitioner : Mr.A.Jayaramachandran,
For Respondent : M/s.H.Jasima Yasmin
for Ajmal Associates



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ORDER

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This writ petition has been filed for a writ of CERTIORARI FIED MANDAMUS, calling for the records pertaining to the proceedings of the respondent in Memo No.AU/RC-MDU/PERSONNEL/EC1/2025 dated 06.06.2025, quash the same and further directing him to disburse the enhanced subsistence allowance to the petitioner as per section 4(xii) of Anna University Statutes on Disciplinary Procedure.

2. The petitioner who had been placed under suspension pending disciplinary proceedings was imposed with the punishment of compulsory retirement from service. However, the said order had not dealt with as to how the period of suspension was to be treated. The petitioner had been kept under suspension from 27.12.2018, until the order of punishment was given to her. In spite of the enquiry report made in the year 2019, the second show cause notice was issued only on 25.08.2023 that too after Syndicate has resolved to impose a punishment of compulsory retirement. The second show cause notice was challenged by the petitioner in W.P.(MD).No.22669 of 2023 and the petitioner has also challenged the order of suspension in W.P.(MD).No.20101 of 2023.

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Pending the Writ Petition, a further show cause notice was issued with regard to the penalty to be imposed, which was challenged in W.P. (MD).No.21390 of 2024. W.P.(MD).Nos.22669 of 2023 & 21390 of 2024 came to be disposed by this Court on 15.10.2024 by separate orders directing the petitioner to submit her explanation. W.P.(MD).No.20101 of 2023 was disposed on 18.10.2024 noting the direction given in W.P. (MD).No.21390 of 2024 to dispose the disciplinary proceedings on or before 28.02.2025 with a further direction to disburse the subsistence allowance as per the Rules applicable. By proceedings dated 28.05.2025, a punishment of compulsory retirement came to be passed. On 06.06.2025, the impugned order rejecting the claim of enhanced subsistence allowance came to be passed.

3. A perusal of the rules extracted in the impugned order would indicate that if the period of suspension can be prolonged for reasons to be recorded in writing, which is not directly attributable to the employee, enhanced subsistence allowance not exceeding 50% of the subsistence allowances is admissible to be paid, which has been paid during the first six months.



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4. The relevant rules of the statute of the respondent department relating to disciplinary procedure and subsistence allowance read as follows:

*“**Subsistence allowance:** a) an university employee under suspension shall be entitled to a subsistence allowance at an amount to equal to a leave salary and dearness allowance (if any), which he would have drawn if he had been on leave on half pay.*

Provided that where the period of suspension exceeds twelve months, the authority which made or is deemed to have made the orders of suspension shall be competent to vary the amount of subsistence amount for a period subsequent to the period of the first six months as follows:-

1) The amount of subsistence allowance may be increased by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of the first six months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the employee.

2) The amount of subsistence allowance may be reduced by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of the first six months, if in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the employee.

No payment of subsistence allowance shall be made unless the employee furnishes a certificate that he is not engaged in any other employment, business, profession or vocation.



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A suspended person shall not be entitled to any leave for the period. if suspension. When an employee who has been suspended is finally reinstated, he shall get fully pay unless the competent authority has expressly ordered a deduction to be made for the suspension period as a punishment. In the case of dismissal or removal from service with retrospective effect no recovery is necessary of the subsistence allowance already paid to him.”

6. A reading of the said rule envisages that a university employee under suspension would be entitled to subsistence allowances as if she had been on leave on half pay. The proviso to the said rule would also indicate that if the period of suspension exceeds 12 months, the subsistence amount can also be varied for the period of first six months by having a increase by 50% of the subsistence allowance that has been admissible during first period of six months of the extended period of suspension for reasons to be recorded in writing, which is not directly attributed to the employee.

7. In the present case, the order of suspension was passed on 27.12.2018 and the enquiry report was submitted by the Enquiry Officer on 31.12.2019 and thereafter, no further order has been passed for the



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past four years. Therefore, it cannot be said that the prolonged suspension is attributable to the petitioner. Hence by applying the statutes governing the disciplinary proceedings of the respondent university, this Court is of the view that the petitioner is entitled to a further 50% of the subsistence allowances that she had been paid .

8. In such view of the matter, the impugned order dated 06.06.2025 stands quashed and the Writ Petition stands allowed. As a sequel, there shall be a direction to the respondent to disburse the enhanced subsistence allowance that the petitioner is entitled to at the end of six month from the date of order of suspension till the order of punishment within a period of six weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

17.11.2025

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TO

The Registrar,
Anna University,
Sardar Patel Road,

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K.KUMARESH BABU,J

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**ORDER
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Date : 17/11/2025