



WP(MD). No.19928 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.19928 of 2026

S.Bernath Isac

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai - 600035.

2. The Executive Engineer / Administrative Officer,
Tamil Nadu Housing Board,
Trichy Housing Unit,
Tiruchirappalli – 620021.

... Respondents

PRAYER:- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus the respondents to pay subsistence allowance to the petitioner from August, 2025 and to continue to pay the same during his suspension period pending disciplinary proceeding on basis of Petitioner's representations dated 05.12.2025 and 17.03.2026 within the time period stipulated by this Court.

For Petitioner : Mr.M.Pozhilan
for M/s.C.Arulvadivel Associates
For Respondents : Mr.M.Sumesh
Standing Counsel



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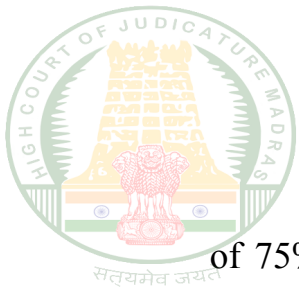
ORDER

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The petitioner has approached this Court by filing this writ petition complaining non-payment of subsistence allowance to the petitioner from the month of October 2025 while he was being continued under suspension and sought for appropriate direction to the respondents to pay the subsistence allowance so long the petitioner is continued under suspension.

2. The facts of the case are that the petitioner was involved in a criminal case and simultaneously, disciplinary proceedings were also initiated against the petitioner and accordingly, he was placed under suspension as early as on 26.03.2011 and is being continued under suspension as on date.

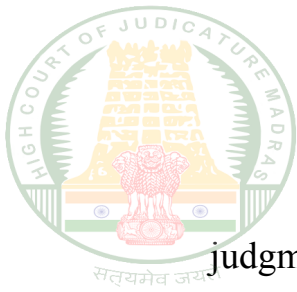
3. On an earlier occasion, the petitioner also approached this Court seeking enhancement of his subsistence allowance from 50% to 75% by filing WP(MD)No.11115 of 2013 and the said writ petition was disposed of directing the respondents to pay the subsistence allowance at the rate



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of 75% to the petitioner. In pursuance of the order of this Court dated 06.09.20218, subsistence allowance was enhanced from 50% to 75% and the enhanced subsistence allowance was paid till September 2025. However, the said subsistence allowance is not being paid from the month of October 2025. Hence, the petitioner approached this Court by filing the present writ petition.

4. In response to the notice issued by this Court, the learned Standing Counsel appearing for the respondents placed before this Court the written instructions furnished by the respondents. A perusal of the same disclose that the petitioner was convicted vide the judgment dated 25.10.2025 in Special Case No.110 of 2012 on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act, 1988. Accordingly, the petitioner was also issued Show Cause Notice dated 25.06.2026 to show cause as to why he should not be dismissed from service and a response from the petitioner is awaited. Thus, the respondents tried to justify their action in non-payment of subsistence allowance on the ground of conviction suffered by the petitioner. It is not in dispute that the petitioner was convicted on 25.10.2025 and the said



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judgment of conviction was appealed by the petitioner in Criminal Appeal(MD)No.1235 of 2025 and the sentence of imprisonment imposed on the petitioner in the said Special Case has been suspended by this Court and the said Criminal Appeal is pending. But the conviction that was suffered by the petitioner is still operating and therefore, the respondents appear to have issued Show Cause Notice dated 25.06.2026. But the petitioner has not submitted any explanation as on date.

5. From the above, it is evident that admittedly, the respondents have not passed any final orders consequent upon the conviction suffered by the petitioner and admittedly, the petitioner is being continued under suspension even after October 2025.

6. If that be the case, the respondents cannot shirk their responsibility to pay the subsistence allowance to the petitioner in accordance with the Rules. Non-payment of subsistence allowance would decline the petitioner from effectively contest his case by submitting his explanation. The respondents cannot avoid payment of subsistence allowance merely because the petitioner has suffered conviction in the



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above said Special Case. The respondents are at liberty to take appropriate action consequent upon the conviction suffered by the petitioner. In the instant case, except for issuing a Show Cause Notice, no further steps have been taken by the respondents and they seem to be awaiting response from the petitioner.

7. In the circumstances, this writ petition is disposed of directing the petitioner to submit his explanation in response to the Show Cause Notice dated 25.06.2026 within a period of two weeks from today. At the same time, the respondents are directed to pay subsistence allowance that is due to the petitioner from the month of October 2025 and continue to pay the same so long he is continued under suspension. The arrears of subsistence allowance shall be released to the petitioner as expeditiously as possible, at any rate, within a period of three weeks from the date of submission of the explanation by the petitioner. No costs.

21.07.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM

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To,

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MUMMINENI SUDHEER KUMAR,J

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