

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.10528 OF 2015

M.Kishok Kumar

... Petitioner

Versus

The District Manager(Kancheepuram North)
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Ware Housing Corporation,
Bangalore High Road, Thirumazhisai,
Chennai - 600 124.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondent to pay subsistence allowance to the petitioner and to conclude the departmental enquiry at the earliest.

For Petitioner : Mr.K.Sasindran
For Respondent : Mr.S.Muthuraj
Standing Counsel for TASMAC

O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The prayer in the writ petition is for a direction to the respondent to pay subsistence allowance to the petitioner and to conclude the departmental enquiry at the earliest.

3.It is well settled that an employee, who is placed under suspension, cannot be denied subsistence allowance, which amounts to violation of Article 21 of the Constitution of India. Hence, the respondent is liable to pay subsistence allowance to the petitioner

during the period of suspension, till the conclusion of the departmental proceedings.

4. Accordingly, the respondent is directed to conclude the disciplinary proceedings and pass final orders, within a period of four months from the date of receipt of a copy of this order. If subsistence allowance is not paid to the petitioner so far, the respondent is also directed to pay the subsistence allowance and arrears shall be paid within a period of four weeks from the date of receipt of a copy of this order and thereafter, the subsistence allowance shall be paid on or before 10th of every succeeding month, till final order is passed.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK
To

The District Manager (Kancheepuram North)
Tamil Nadu State Marketing Corporation Ltd., (TASMAC)
Ware Housing Corporation,
Bangalore High Road, Thirumazhisai,
Chennai - 600 124.

1 cc to Mr.K.Sasindran ,Advocate, SR.No.20057

सत्यमेव जयते

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