

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.12022 OF 2015

K.Selvakumar

...Petitioner

Versus

1. The Managing Director
Tamil Nadu State Marketing Corporation Ltd.,
IV Floor, C.M.D.A. Tower II,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.
2. The General Manager (Retail Sales)
Tamil Nadu State Marketing Corporation Ltd.,
IV Floor, C.M.D.A. Tower II,
Gandhi Irwin Bridge Road,
Egmore, Chennai - 600 008.
3. The Senior Regional Manager
Chennai Region
Tamil Nadu State Marketing Corporation Ltd.,
No.735, Anna Salai, LLA. Building 4th Floor,
Chennai - 600 002.
4. The District Manager
Tamil Nadu State Marketing Corporation Ltd.,
Kancheepuram (South)
Kancheepuram District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents herein to pay the subsistence allowance along with arrears of salary which is due and payable to the petitioner with interest for such delayed payment, by considering the petitioner's

representation dated 05.02.2015.

For Petitioner : Mr.A.Ramalingam
For Respondents : 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 respondents to pay subsistence allowance along with arrears of salary which is due and payable to the petitioner with interest for such delayed payment, by considering his representation dated 05.02.2015.

3.The petitioner was placed under suspension from 20.06.2014. Hence, he made a representation dated 05.02.2015 to the respondents for payment of subsistence allowance.

4.Mr.S.Muthuraj, learned Standing Counsel for the respondent TASMAC has submitted that there is some recovery proceeding initiated against the petitioner and hence, subsistence allowance could not be paid to him.

5.I am not in agreement with the submissions made by the learned Standing Counsel for the respondents.

6.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. So long as the petitioner is kept under suspension, pending enquiry, the respondents are liable to pay subsistence allowance to the petitioner during the period of suspension, till the conclusion of the departmental proceedings and passing of the final orders.

7.Accordingly, the respondents are directed to pay subsistence allowance to the petitioner from the date of suspension and the 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.

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

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

TK

To

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Kancheepuram District.

1 CC to Mr.A.Ramalingam, Advocate SR.No. 22234

1 CC to Mr.S.Muthuraj, Advocate SR.No. 22345

W.P.NO.12022 OF 2015

SR (CO)
PSI (11.05.2015)