

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No. 1256 of 2015 &
M.P.No.1 of 2015

G.Rusikesavan

.. Petitioner

v.

- 1 The Tamil Nadu Civil Supplies Corporation Ltd.
Rep. by its Managing Director,
No.12, Thambusamy Road, Kilpauk
Chennai-10.
 - 2 The General Manager (Admin.)
The Tamil Nadu Civil Supplies Corporation Ltd.
No.12 Thambusamy Road, Kilpauk,
Chennai-10.
 - 3 The Senior Regional Manager,
The Tamil Nadu Civil Supplies Corporation Ltd.
Dharmapuri.
 - 4 The Deputy Collector/Regional Manager (i/c)
The Tamil Nadu Civil Supplies Corporation Ltd.
Tirunelveli Region,
9.F St. Thomas Road, Maharaja Nagar
Tirunelveli-11.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the records pertaining to the order of the 4th Respondent in R.C. No. A11/5881/14, dated 27.05.2014 and quash the same inasmuch the order refusing subsistence allowance to the Petitioner and consequently direct the respondents to continue to pay subsistence allowance to the Petitioner at the admissible rates as per rules until the completion of the disciplinary proceedings.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.L.P.Shanmugasundaram
Spl. Govt. Pleader

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 4th Respondent dated 27.05.2014

and to quash the same inasmuch as the order refusing subsistence allowance to him and consequently direct the respondents to continue to pay subsistence allowance to him at the admissible rates as per rules until the completion of the disciplinary proceedings.

2. It is the case of the petitioner that the first respondent in his proceedings dated 7.4.2014 issued a charge memo and he gave an explanation to the imputation of allegations on 15.05.2014. The petitioner was also suspended from service, however, no subsistence allowance was disbursed after February 2014. Thereafter, the petitioner made requests to the respondents to disburse subsistence allowance. However, the 4th respondent by his proceedings dated 27.5.2014 rejected the request of the petitioner. Challenging the order passed by the fourth respondent, the petitioner has filed the above writ petition.

3. The learned counsel for the petitioner submitted that the issue involved in the present writ petition is covered by the judgement passed in Writ Appeal No.1552 of 2011 and W.P.No.31483 of 2012, which was also followed in W.P. No.1616 of 2013, dated 12.09.2014.

4. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents fairly submitted that the issue involved in the present writ petition is covered by the judgement of the Division Bench in W.A.No.1552 of 2011.

5. In the said Writ Appeal, the same issue was considered and the Division Bench confirmed the order of the learned Single Judge made in W.P.No.8848 of 2011. Following the said judgement, in W.P. No.31483 of 2012, a learned Single Judge quashed similar order and directed payment of subsistence allowance.

6. Following the ratio laid down in the said judgments, the writ petition is allowed and the impugned order dated 27.05.2014 is set aside. The respondents are directed to pay the subsistence allowance to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

- 1 The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.
No.12, Thambusamy Road, Kilpauk
Chennai-10.
- 2 The General Manager (Admin.)
The Tamil Nadu Civil Supplies Corporation Ltd.
No.12 Thambusamy Road, Kilpauk,
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The Tamil Nadu Civil Supplies Corporation Ltd.
Tirunelveli Region,
9.F St. Thomas Road, Maharaja Nagar
Tirunelveli-11.

1 cc to Mr.C.k. M. Appaji, advocate, sr. 3038

1 cc to Mr.L.P. Shanmugasundaram, Advocate, Sr. 3199

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GR (CO)
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सत्यमेव जयते

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