

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2015

CORAM

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.1326 of 2015

K.Balakrishnan

... Petitioner

vs.

1.The Commissioner,
Municipal Administration,
Ezhilagam, Chepauk, Chennai - 5.

2.The Commissioner of Municipality,
Municipal Office, Koothanallur,
Thiruvavur District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the respondents to pay the petitioner all his eligible arrears of subsistence allowance from February, 2012 by revising his pay.

For Petitioner : Mr.R.S.Sivaram

For Respondents : Mr.M.S.Ramesh,
Addl. Govt. Pleader for R1
Mr.E.Manikandan for R2

ORDER

The petitioner was not paid subsistence allowance during the period of suspension and the same resulted in filing this writ petition.

2.The first respondent initiated disciplinary proceedings against the petitioner vide charge memo dated 01.12.2005 on the basis of his involvement in a criminal case in Crime No.244 of 2005 on the file of Koothanallur Police. He was suspended from service pending initiation of disciplinary proceedings. Since the petitioner was not paid the subsistence allowance, he made a representation and thereafter filed this writ petition.

3.The second respondent, in his counter affidavit, agreed to pay the subsistence allowance to the petitioner. Para 9 of the counter affidavit reads thus:

"9.I submit that with regard to para-7 of the affidavit, on 01.10.2005 a subsistence allowance of 50% paid to the petitioner till January 2012. I submit that the subsistence allowance from February 2012 will be paid to the petitioner within one month not later than 01.03.2015. Respondent ready to pay 50% subsistence allowance within a month."

4.The second respondent has now agreed to pay the entire subsistence allowance within a period of one month. The second respondent is directed to comply with the undertaking given by him by paying subsistence allowance to the petitioner promptly.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Municipal Administration,
Ezhilagam, Chepauk, Chennai - 5.

2.The Commissioner of Municipality,
Municipal Office, Koothanallur,
Thiruvavur District.

1 cc to Mr.E.Manikandan ,Advocate, SR.No.6228
1 cc to Mr. R.S.Sivaram,Advocate, SR.No.6803

W.P. No.1326 of 2015

ppa (co) pmk.23.2.2015