

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.16459 of 2015 and
M.P.No.1 of 2015

K.Rajagopal

... Petitioner

vs.

1.The Director of Town Panchayat
Kuralagam, Chennai - 600 108.

2.The Commissioner,
Vellore City Municipal Corporation,
Vellore - 632 001.

3.The Assistant Director of Town Panchayat,
Vellore Circle, Vellore - 632 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents to pay the subsistence allowance as per the Tamilnadu Subsistence Allowance Rules read with FR 53 of the Fundamental Rules from 01.10.2014 onwards with Dearness Allowance and pay the same in the beginning of every month without any delay with 18% interest for the delay caused.

For Petitioner : Ms.M.Srividhya

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt.Pleader for R1 and R3
Ms.P.Shanthi for R2

O R D E R

The petitioner was placed under suspension on 28.06.2004. He is still under suspension. He was paid subsistence allowance upto September 2014. The grievance of the petitioner is that subsistence allowance is not paid by the second respondent thereafter. Hence, the petitioner has come up with this writ petition.

2. The second respondent viz., Vellore City Municipal Corporation, which paid subsistence allowance upto September 2014 could not deny the same thereafter. The non-payment of subsistence allowance during the period of suspension is arbitrary and violative of Articles 14 and 21 of the Constitution.

3. Hence, a direction is issued to the second respondent to pay subsistence allowance to the petitioner on or before 10th day of every month commencing from the month of July 2015 till the completion of enquiry and further directed to pay the arrears of subsistence allowance from October 2014 onwards, if not already paid, within a period of four weeks.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1.The Director of Town Panchayat
Kuralagam, Chennai - 600 108.
 - 2.The Commissioner,
Vellore City Municipal Corporation,
Vellore - 632 001.
 - 3.The Assistant Director of Town Panchayat,
Vellore Circle, Vellore - 632 009.
- 1 cc to Ms.P.Shanthi , Advocate Sr.No.27978
1 cc to Ms.M.Srividhya , Advocate Sr.No.28045
1 cc to Government Pleader.Sr.No.28226

W.P.No.16459 of 2015

lrs(co)
pmk.22.6.2015

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