

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24434 of 2015

and

M.P.No.1 of 2015

A.Sathish Kumar

...Petitioner

Vs

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2. The Joint Commissioner / Executive Officer,
Arulmighu Devi Karumariamman Thiru Koil,
Tiruverkadu, Chennai-77.

...Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to pay the subsistence allowance due to the petitioner for the period December, 2012 to March, 2014, in terms of the records submitted by the petitioner on 02.12.2014 and the periodic subsistence allowance thereafter from March, 2015 onwards till the disciplinary proceedings are completed.

For Petitioner : Mr.R.Gopinath, for
M/s.G.Thilakavathi

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner, while working as Junior Assistant in the service of the second respondent, was placed under suspension on

30.11.2012. The grievance expressed by the petitioner is that he has not been paid subsistence allowance and in this regard, he has already filed W.P.No.21148 of 2014 and this Court, vide order dated 27.10.2014, has directed the second respondent to pass appropriate orders with regard to payment of subsistence allowance from the date of suspension till March, 2014. It is further stated that the petitioner has not been paid subsistence allowance on regular intervals and in this regard, he has also submitted numerous representations and the last of such representation was submitted on 19.06.2015 and inspite of receipt of the same, he is yet to be paid subsistence allowance and hence came forward to file the present writ petition.

3. Heard the submissions of Mr.R.Gopinath, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who takes notice on behalf of the respondents and on instructions, he would submit that upto February, 2014, the petitioner has been paid subsistence allowance and for March, 2014, the cheque is ready and he can go to the office of the second respondent and collect the same.

4. In response to the said submission, learned counsel for the petitioner submits that since the subsistence allowance is not paid regularly, the petitioner is constrained to approach this Court and prays that a direction may be given to the second respondent to pay subsistence allowance to the petitioner, as and when it is due and payable.

5. This Court, taking into consideration the above facts and circumstances, directs the second respondent to pay subsistence allowance to the petitioner in accordance with law as and when it falls due and conclude the disciplinary proceedings as expeditiously as possible. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mmi

To

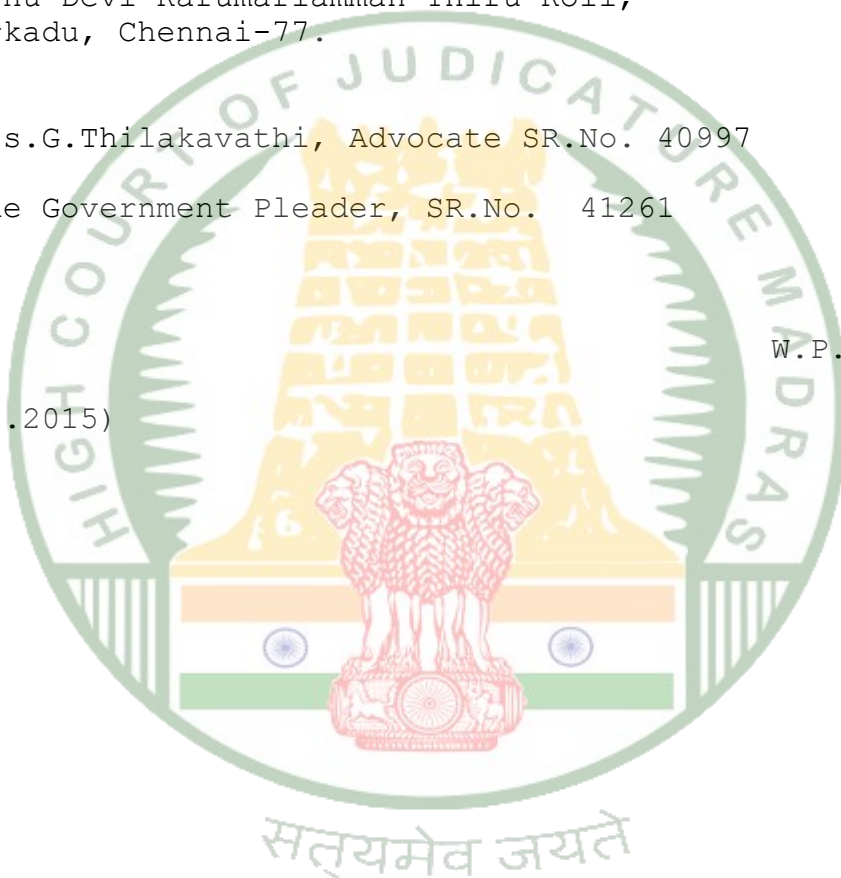
1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.
2. The Joint Commissioner / Executive Officer,
Arulmighu Devi Karumariamman Thiru Koil,
Tiruverkadu, Chennai-77.

1 CC to M/s.G.Thilakavathi, Advocate SR.No. 40997

1 CC to the Government Pleader, SR.No. 41261

MG (CO)
PSI (25.08.2015)

W.P.No.24434 of 2015



WEB COPY