

In the High Court of Judicature at Madras

Dated: 16.11.2015

Coram:

The Hon'ble Mr.Justice K.KALYANASUNDARAM

Writ Petition No.31847 of 2015 &

M.P.No.1 of 2015

M.Lilly Regina .. Petitioner

Vs.

1. The Managing Director,
Park Town Co-operative Wholesale Stores Ltd.,
Anna Nagar, Chennai.

2. The Enquiry Officer,
Park Town Co-operative Wholesale Stores Ltd.,
Anna Nagar, Chennai.

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, to direct the first respondent to pay the subsistence allowance on the basis of the petitioner's representation dated 19.09.2015.

For Petitioner : Mr.S.Pandiyaraj

For Respondents : Mr.L.P.Shanmugasundaram, R1
Spl.GP
Mrs.T.P.SAVITHA, GA FOR R2

सत्यमेव जयते

O R D E R

This Writ Petition has been filed, praying for the issuance of a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner, dated 19.9.2015 for payment of the subsistence allowance to her.

2. According to the petitioner, she joined as Sales Woman in respondents society. While she was working at Venkatachalam Fair Price Shop, Chennai, she was placed under suspension by order, dated 19.10.2007 by the first respondent. The grievance of the petitioner is that she has not been paid subsistence allowance. Though she made a representation on 19.9.2015 to the first

respondent, there was no reply. Hence, the petitioner has come forward with the present writ petition.

3. It is settled law that the authority who passed the order of suspension, shall pass order regarding the subsistence allowance to be paid to the employee during the period of suspension simultaneously with the order of suspension or as early as possible after the issuance of the order of suspension since the subsistence allowance is meant for the subsistence of a suspended employee and his family during the period he is not allowed to perform duty and thereby earn a salary.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. Considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, this Court directs the first respondent to consider and dispose of the petitioner's representation, dated 19.09.2015 and pass orders regarding the payment of subsistence allowance to the petitioner, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected MP is closed.

Suk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Managing Director,
Park Town Co-operative Wholesale Stores Ltd.,
Anna Nagar, Chennai.

2. The Enquiry Officer,
Park Town Co-operative Wholesale Stores Ltd.,
Anna Nagar, Chennai.

+ 1 cc to Mr.L.P.Shanmugasundaram, Advocate Sr 61926.

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