

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.11.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.14459 of 2016

M.Gowthaman

... Petitioner

vs.

1.The Principal,
Lady Wellington Institute of
Advances Study in Education (Autonomous),
Kamarajar Road, Triplicane,
Chennai-600 005.

2.The Director,
Department of College Education,
College Road,
Chennai-600 006.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pass appropriate order for enhancement of subsistence allowance at 75% from 18.03.2015 in terms of Rule 53 (1) (a) (i) of Fundamental Rules and as followed by 1st respondent vide his proceedings in Na.Ka.En.861/Ka/2002, dated 08.07.2004 in the case of Mr.S.Soosairayar, in pursuance of petitioner's representation dated 01.06.2015 within a time frame as may fixed by this Court.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.K.Dhananjayan, Spl GP

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ORDER

This writ petition has been filed by the petitioner, praying for a Writ of Mandamus directing the respondents to pass appropriate order for enhancement of subsistence allowance at 75% from 18.03.2015 in terms of Rule 53(1)(a)(i) of Fundamental Rules and as followed by 1st respondent vide his proceedings in Na.Ka.En.861/Ka/2002, dated 08.07.2004 in the case of Mr.S.Soosairayar, in pursuance of petitioner's representation dated 01.06.2015, within a time frame.

2.In the affidavit filed in support of the writ petition it has been averred as follows_

The petitioner is working in the 1st respondent's office as Assistant. The petitioner was placed under suspension from 18.09.2014 on account of false implication in a criminal case, on the basis of a mere suspicion of his involvement in fabrication of mark statements. The petitioner is an innocent person and he has nothing to do with the said criminal case. However, the petitioner was arrested by Police and detained in Puzhal Central Prison for more than 48 hours. On that ground, the petitioner was placed under suspension from service by the 1st respondent from 18.09.2014, by his proceedings in No.1472/A/2014, dated 07.10.2014. The payment of subsistence allowance at 50% of salary was directed to be paid to the petitioner, as required under Tamil Nadu Payment of Subsistence Allowance Rules, for a period of six months. The petitioner has been receiving the subsistence allowance at 50% of salary. While so, suddenly, on 31.03.2016, the 1st respondent reduced the subsistence allowance of the petitioner from 50% to 25%. It is further stated by the petitioner that earlier in respect of one Mr.S.Soosairayar, the 1st respondent has enhanced his subsistence allowance from 50% to 75% vide his proceedings in Na.Ka.En.861/Ka/2002, dated 08.07.2004. Hence, the petitioner made a representation on 01.06.2016 to the 1st respondent seeking to enhance his subsistence allowance. But, the petitioner's representation was not considered. Hence, the petitioner has come forward with the present writ petition before this Court.

3.Heard the learned counsel for the petitioner as well as learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4.Considering the limited scope of the prayer sought for by the petitioner in this writ petition and taking note of the submissions made on either side, without expressing any opinion on the merits of the claim made by the petitioner, this Court directs the 1st respondent to consider the representation dated 01.06.2015 given by the petitioner with regard to enhancement of his subsistence allowance and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the present writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssv

To

1.The Principal,
Lady Wellington Institute of
Advances Study in Education (Autonomous),
Kamarajar Road, Triplicane,
Chennai-600 005.

2.The Director,
Department of College Education,
College Road,
Chennai-600 006.

+1 cc to M/s.R.Veeramani Advocate sr 67715/16

W.P.No.14459 of 2016

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