

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2016

Coram

The Hon'ble Mr.Justice M.V.Muralidaran

Writ Petition No.17714 of 2016

V.Prabakar

...Petitioner

Vs.

The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai - 600 001.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representations, dated 20.01.2016 and 01.02.2016, in the light of the judgment reported in (1983) 2 S.L.J. 227 with regard to payment of subsistence allowance within the time, that may be stipulated by this Court.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.A.Ramesh for
Mr.Palanimuthu

O R D E R

Heard Mr.S.Saravanakumar, the learned counsel appearing for the petitioner and Mr.A.Ramesh, the learned counsel, representing Mr.Palanimuthu, the learned counsel, who accepts notice on behalf of the respondent. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this Writ Petition, seeking for issuance of a writ of mandamus, to direct the respondent to consider and pass orders on the petitioner's representations, dated 20.01.2016 and 01.02.2016, in the light of the judgment reported in (1983) 2 S.L.J. 227 with regard to payment of subsistence allowance within the time, that may be stipulated by this Court.

3. The petitioner was initially appointed as Assistant Engineer in Chennai Port Trust. Subsequently, he was given following promotions, i) Assistant Executive Engineer, (ii) Executive Engineer, (iii) Superintendent Engineer and (iv) Deputy Chief Mechanical Engineer. According to the petitioner, he has rendered 27 years of blemishless service. Whiles, a complaint was given against the petitioner leveling certain allegations based on which, a criminal case was registered against the petitioner, which was taken on file in C.C.No.45 of 2013 and the Trial Court convicted the petitioner. Challenging the order of the Trial Court, the petitioner has preferred Criminal Appeal, being CrI.A.No.18 of 2016, in which, the petitioner has taken out a petition seeking for suspension of sentence, wherein, the sentence was suspended and the Criminal Appeal is pending. Simultaneously, the petitioner has been proceeded with departmentally and he has been placed under suspension, and has not been paid subsistence allowance. In this regard, the petitioner has made several representations to the respondent. Last one such representation is dated 01.02.2016. Since the same evoked no response, the petitioner is constrained to approach this Court, seeking for the aforementioned relief.

4. The learned counsel appearing for the petitioner would submit that when an employee is placed under suspension, he is entitled to get the normal subsistence allowance. In support of his contention, reliance has been placed on the judgment of the Hon'ble Supreme Court in the case of State of Maharashtra vs.Chandrabhan, reported in (1983) 2 S.L.J. 227.

5. Considering the limited scope of prayer, sought for, in this Writ Petition, the Writ Petition is disposed of, by directing the respondent to consider the petitioner's representation made in the recent past, viz., the representation, dated 01.02.2016, and dispose of the same within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition is disposed of. No costs.

avr/sd

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai - 600 001.

+ 2 ccs to Mr.S.Saravanakumar, Advocate SR 28258

rsy(co)
prk17/5

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