

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.29163 of 2015
and M.P.No.1 of 2015

S.Balu

... Petitioner

Vs

1.The Chidambaram Municipality,
rep. by its Commissioner,
Kutcherry Street,
Chidambaram 608 001.

2.The Chairman,
Chidambaram Municipality,
Kutcherry Street,
Chidambaram 608 001.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pay to the petitioner the subsistence allowance due since 9.3.2011.

For Petitioner : Mr.T.M.Hariharan

For Respondents : Mr.K.Dhanajayan,
Spl. Govt. Pleader.

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pay subsistence allowance due to him since 9.3.2011.

2. It is the case of the petitioner that he was employed as Junior Assistant in the first respondent Municipality since 1985 and in the year 1996, he was posted as Cashier. While so, he was issued with a charge memo dated 8.4.2013 and he submitted a detailed explanation denying the charges. Thereafter, by proceedings dated 5.6.2013, he was required to attend the enquiry and he has also attended the enquiry. A criminal proceeding was also initiated and the same is pending. Now, it is the case of the petitioner that though he

has been placed under suspension from 9.3.2011, he was not paid with the subsistence allowance except for the month of February, 2013. Hence, the petitioner has come up with the present writ petition seeking subsistence allowance.

3. The only grievance of the petitioner is that though he was suspended from 9.3.2011, subsistence allowance was paid to him only for the month of February, 2013 and thereafter, he has not been paid the subsistence allowance. During the course of suspension, the respondents are bound to pay the subsistence allowance to the petitioner. Hence, this Court is constrained to pass the following order:-

The respondents are directed to pay the arrears of the subsistence allowance to the petitioner within a period of four weeks from today and thereafter, continue to pay the same till the completion of enquiry pending against him.

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

sbi
To

1.The Commissioner,
Chidambaram Municipality,
Kutcherry Street,
Chidambaram 608 001.

2.The Chairman,
Chidambaram Municipality,
Kutcherry Street, Chidambaram 608 001.

+1cc to Mr.T.M.Hariharan, Advocate Sr.59901

W.P.No.29163 of 2015

pk[co]
srg 11/11/2016