

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.22068 of 2016

S.Kamalanathan

.. Petitioner

Vs.

1.The Commissioner of Police,
Commissioner Office,
Coimbatore City.

2.The Inspector of Police,
Armed Reserve,
Coimbatore City.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to pay the subsistence allowance continuously from the period of 25.08.2015 to till the disposal of the disciplinary proceedings pending before the first respondent by considering the petitioner's representation dated 02.05.2016 and 04.06.2016.

For Petitioner : Mr.R.Ezhilarasan
For Respondents : Mr.K.Rajendra Prasad,
Government Pleader

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has filed this writ petition for a Mandamus, to direct the respondents to pay the subsistence allowance continuously from 25.08.2015 to till the disposal of the disciplinary proceedings pending before the first respondent by considering the petitioner's representations dated 02.05.2016 and 04.06.2016.

3. According to the petitioner, while he was working as Grade I Police Constable in CBCID, Counterfeit Currency Wing, Coimbatore Unit, a case was registered against him in Cr.No.8 of 2015 on the file of All Women Police Station, Central Coimbatore. Based on the same, he was temporarily suspended from

service by the proceedings in CPO.1189/2015 and C.No.F4/41503/2015 dated 24.08.2015 and the disciplinary proceedings was initiated against him. Thereafter, a charge memo dated 18.12.2015 has been issued to him and the Assistant Commissioner of Police, Law and Order West, Coimbatore has been appointed as Enquiry Officer and the enquiry is pending. In the mean while, the petitioner has sent representations to the first respondent on 02.05.2016 and to the second respondent on 15.05.2016 and 04.06.2016, requesting to pay the subsistence allowance to him. However, till date, no order has been passed by the respondents. Therefore, the petitioner has come up with the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents.

5. Considering the limited prayer sought for herein, this Court, without going into the merits of the claim made by the petitioner, directs the respondents, to consider the petitioner's representations dated 02.05.2016 and 04.06.2016 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of three weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police,
Commissioner Office,
Coimbatore City.

2.The Inspector of Police,
Armed Reserve,
Coimbatore City.

+1 cc to Mr.R.Ezhilarasan Advocate sr.36306
+1 cc to Government Pleader sr 36334

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