

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.6670 of 2015

S.Ramesh

Junior Assistant (under suspension)

Mopiripalayam Town Panchayat

Vagarampalayam

Coimbatore District.

... Petitioner

Versus

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Executive Officer,
Mopiripalayam Town Panchayat,
Vagarampalayam Post,
Coimbatore District.
Pin - 641 659.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to pay subsistence allowance to the petitioner as admissible under 53(1) of Fundamental Rules from 15.07.2014 and continue to pay subsistence allowance till the date of revocation of suspension order of the petitioner.

For Petitioner : Mr.P.Muthukrishnan

For Respondents : Mr.A.Kumar,
Special Government Pleader [R1]
Mr.P.Chinnadurai [R2]

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O R D E R

The petitioner has filed this writ petition for issuance of a writ of mandamus directing the second respondent to pay subsistence allowance to the petitioner as admissible under 53 (1) of Fundamental Rules from 15.07.2014 and continue to pay subsistence allowance till the date of revocation of suspension order of the petitioner.

2. Mr.S.Ramesh, the petitioner herein, while serving as Junior Assistant at Mopiripalayam Town Panchayat, was placed

under suspension by invoking Rule 17(e) of the Tamil Nadu Civil Services (D&A) Rules on the ground that enquiry into grave charges against him is contemplated. Subsequently, the first respondent issued a charge memo dated 23.12.2014 under Rule 179b) of Tamil Nadu Civil Services (D&A) Rules. It is the grievance of the petitioner that the respondents have failed to pay the subsistence allowance to him. Therefore, the entire disciplinary proceedings are vitiated. In this regard, the petitioner has given a representation seeking payment of subsistence allowance to the petitioner under 53(1) of Fundamental Rules from 15.07.2014. Since no action has been taken on the representation of the petitioner, he has come forward with this writ petition.

3. Mr.A.Kumar, the learned Special Government Pleader, takes notice for the first respondent.

4. Considering the limited nature of prayer, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The Executive Officer,
Mopiripalayam Town Panchayat,
Vagarampalayam Post,
Coimbatore District.
Pin - 641 659.

+1cc to Mr.P.Muthukrishnan, Advocate, S.R.No.22821
+1cc to Mr.P.Chinnadurai, Advocate, S.R.No.22902
+1cc to the Government Pleader, S.R.No.23885

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RSI (CO)

CA/26/04/2016)