

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31423 of 2016

N.Rajendran

... Petitioner

Vs.

The Principal Secretary to Government,
Home (Pol.2) Department,
Secretariat, Chennai 600 009. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to grant the subsistence allowance to the petitioner from the month of December 2015 till date in accordance with Fundamental Rule 53(1), within a stipulated period.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.A.Zakir Hussain
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to grant the subsistence allowance to the petitioner from the month of December, 2015 till date, in accordance with Fundamental Rule 53(1).

3.The petitioner joined the services in Police Department as Sub-Inspector of Police on 27.09.1987. He was promoted as Inspector of Police on 30.08.1998. He was further promoted as Deputy Superintendent of Police (Cat - 1) on 20.09.2008 and so far he has received about 347 Good Service Entries including 11 Meritorious Service Entries. Whiles, on 23.03.2010, the petitioner was placed under suspension on the ground that grave allegation is contemplated against the petitioner by invoking Rule 17(e) of the Tamil Nadu Civil Services (D&A) Rules and in the order it was mentioned that he will be paid subsistence

allowance and dearness allowance as per F.R.53(1). As per Rule 53(1) of the Fundamental Rules, 50% of the salary should be paid as subsistence allowance for the first six months and thereafter, 75% of the salary should be paid as subsistence allowance.

4.The petitioner would further state that subsistence allowance of 75% as ordered by the respondent in G.O.(D) No.584 Home (Police-2) Department, dated 26.07.2013 has not been paid to him from December, 2015. Hence, he made a representation on 24.06.2016, but the said representation has not been considered so far. Hence, this writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6.This Court without going into the merits of the claim projected by the petitioner, directs the respondent to consider the representation of the petitioner dated 24.06.2016 in the light of Rule 53(1) of the Fundamental Rules, on merits and in accordance with law and pass appropriate orders, within a period of three weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Principal Secretary to Government,
Home (Pol.2) Department,
Secretariat, Chennai 600 009.

+1cc to M/S.Ravi Shanmugam, Advocate Sr.51219
+1cc to the Government Pleader Sr.51617

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