

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32560 of 2016

C.Aadhi Sivan

... Petitioner

vs.

The Executive Officer,
Arulmighu Subramanian Swami
Thirukkivil,
Chennimalai, Erode District.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider the petitioner's representation dated 26.07.2016 in accordance with law and grant subsistence allowance till the disposal of the criminal case or till the suspension is invoked within the time frame stipulated by this Court.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.R.P.Prathap Singh,
Government Advocate (HR&CE)

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider the petitioner's representation dated 26.07.2016 in accordance with law and grant subsistence allowance till the disposal of the criminal case or till the suspension is invoked within a time frame stipulated by this Court.

3. It is the case of the petitioner that he was employed as a Staff (Chit Writer) at Arulmighu Subramanian Swamy Thirukkivil, Chennimalai. The respondent herein lodged a complaint on the file of the Chennimalai Police Station on 03.09.2013 against unknown persons for alleged offence under Section 380 of IPC in Crime No.263 of 2013 on the allegation

that on 02.09.2013, the prayer Hundial placed in front of Margandeswarar Sannathi was stolen. In the charge sheet filed before the learned Judicial Magistrate, Perundurai, on 07.01.2014, the petitioner along with two other persons were shown as accused and the case has been altered into one under Sections 120-B and 381 of IPC from 380 IPC and the same was taken cognizance in C.C.No.100 of 2014 by the learned Magistrate. Subsequently, the petitioner was arrested and remanded to judicial custody on 25.12.2013. Later on, he was released on bail.

4. While so, on 04.09.2013, the respondent issued a charge memo seeking explanation from the petitioner and the petitioner also replied for the same. But without taking into consideration of the same, by an order dated 27.12.2013, he was placed under suspension under Section 56(1) of the Hindu Religious and Charitable Endowment Act. But, he was not given any subsistence allowance till the disposal of the criminal proceedings or till the revoking of the suspension order. Therefore, the petitioner made a representation to the respondent on 28.05.2014 followed by the representation on 26.07.2016. The grievance of the petitioner is that his representations have not been so far considered by the respondent. Hence, the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondent.

6. Considering the facts and circumstances of the case, without expressing any opinion about the merits of the matter, this Court directs the respondent to consider the representation of the petitioner dated 27.07.2016 and to pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this Order.

7. With the above direction, the present writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

tsi

To

The Executive Officer,
Arulmighu Subramanian Swami Thirukkivil,
Chennimalai, Erode District.

+1cc to Mr.A.K. Kumarasamy, Advocate, S.R.No.52786
+1cc to the Government Pleader, S.R.No.53306

NR(CO)
EU(19/09/2016)

W.P.No.32560 of 2016



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