

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No. 35580 of 2016

M.Narasimman

... Petitioner

vs.

1.The Commissioner,
Arcot Municipality Officer,
Arcot, Vellore District.

2. Director of Municipal Administration,
Municipal Administration Office,
Chennai - 600 005.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to pass orders on the petitioner's representation dated 05.08.2016 seeking for enhancement of subsistence allowance by 75% of his last drawn pay with effect from seventh month from the date of suspension (i.e. 25.09.2014), together with arrears due thereon and with all other consequential benefits, within a time fixed by this Court.

For Petitioner : Mr. Giridhar and Sai

For Respondents : Mr.K.Dhananjayan,
Special Govt. Pleader

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 respondents to pass orders on the petitioner's representation dated 05.08.2016 seeking for enhancement of subsistence allowance by 75% of his last drawn pay with effect from seventh month from the date of suspension (i.e. 25.09.2014), together with arrears due thereon and with all other

consequential benefits.

3. It is the case of the petitioner that while he was working as a lorry driver with the first respondent municipality, he was suspended from service by an order dated 25.09.2014 and departmental proceedings has been initiated against the petitioner and the departmental enquiry is pending. Thereafter, a charge memo dated 24.10.2014 has been issued to the petitioner alleging that he has unauthorizedly absented himself from 20.09.2012 to 24.09.2012 without any intimation. The petitioner has filed W.P.No.6294 of 2015 challenging the order of suspension and during the pendency of the said writ petition, it was orally assured by the respondents that suspension would be revoked and thus he was advised to withdraw the case. Hence, the petitioner has made an endorsement that he was withdrawing the Writ petition and this Court by an order dated 03.06.2016 has dismissed the Writ Petition in W.P.No.6294 of 2015 as withdrawn. However, suspension of the petitioner has not been revoked as assured by the respondents. The petitioner is unable to maintain his family with the meager subsistence allowance of 50% of his last drawn pay. The petitioner is entitled for 75% of his last pay drawn pay with interest thereon at the rate of 12% per annum w.e.f seventh month from the date of suspension(i.e.) on 25.09.2014. But, inspite of several representations, subsistence allowance of 75% has not been given to the petitioner. Hence the petitioner has come forward with the present Writ Petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, appearing for the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going to the merits of the claim of the petitioner, directs the first respondent to consider the representation of the petitioner dated 05.08.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Commissioner,
Arcot Municipality Officer,
Arcot, Vellore District.

2. Director of Municipal Administration,
Municipal Administration Office,
Chennai - 600 005.

+lcc to Mr.Giridhar and Sai, Advocate, S.R.No.57507
+lcc to the Government Pleader, S.R.No.57830

W.P.No.35580 of 2016

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