



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.18484 of 2016

S.S.PORCHEZHIAN

.. Petitioner

Vs.

1. THE GOVT. OF TAMILNADU,
THROUGH ITS SECRETARY, FORT. ST. GEORGE,
CHENNAI-9.

2. THE CHIEF ENGINEER (GENERAL) CUM
ENGINEER IN-CHIEF (WRD) ,
PUBLIC WORKS DEPARTMENT, CHEPAUK,
CHENNAI.

3. THE ASSISTANT EXECUTIVE ENGINEER,
WRD, CHITTHAR BASIN SUB DIVISION,
TENKASI- 627 811, TIRUNELVELI DISTRICT.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay petitioners subsistence allowance from February 2016 to August 2016 for a Period of 7 months within a stipulated time.

For petitioner

... Mr.T.S.R.Venkataramana

For Respondents

... Mr.T.S.Mohamed Mohideen

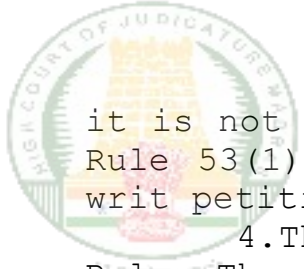
Additional Government Pleader

O R D E R

This is a writ of mandamus seeking direction to the the respondents to pay petitioners subsistence allowance from February 2016 to August 2016 for a Period of 7 months within a stipulated time.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The petitioner is a Junior Engineer. The order of suspension dated 14.05.2015 has been passed against the petitioner making the suspension order effective from 11.05.2015. Contending that payment of subsistence allowance is mandatory and



it is not paid as per Tamil Nadu Subsistence Allowance Act, 1981, Rule 53(1) of Fundamental Rules of Government of Tamilnadu, this writ petition has been filed.

4.The payment of subsistence allowance is mandatory as per Rule. Therefore, when the contention is made that the subsistence allowance is not paid, the only probable defence is that it is already paid. Therefore, the respondents are directed to pay the subsistence allowance to the petitioner from February 2016 and would continue to pay the subsistence allowance till the enquiry is completed.

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

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. THE SECRETARY, THE GOVERNMENT OF TAMILNADU, FORT. ST. GEORGE, CHENNAI-9.
2. THE CHIEF ENGINEER (GENERAL) CUM
ENGINEER IN-CHIEF (WRD) ,
PUBLIC WORKS DEPARTMENT, CHEPAUK,
CHENNAI.
3. THE ASSISTANT EXECUTIVE ENGINEER,
WRD, CHITTHAR BASIN SUB DIVISION,
TENKASI- 627 811, TIRUNELVELI DISTRICT.

+One cc to Mr.T.S.R.Venkata Ramana, Advocate, R.No.56540

+One cc to The Special Government Pleader, SR.No.56634

rj2

RL/6C/2P/SK/SKN/19.10.2016

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