



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.03.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.4162 of 2016

K.Sankaran

... Petitioner

Vs.

1. The Director of Medical and
Rural Health Services,
D.M.S. Complex,
No.361, Anna Salai,
Chennai - 600 006.

2. The Joint Director of Medical and
Rural Health Services,
Tenkasi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant increased subsistence allowance to the petitioner as per Rule 53(1) (a) of Fundamental Rules within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.R.Anandaraj

Government Advocate

ORDER

Mr.R.Anandaraj, learned Government Advocate takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner seeks for a Mandamus directing the respondents to grant increased subsistence allowance to the petitioner as per Rule 53(1) (a) of Fundamental Rules, within a stipulated time.

4. The case of the petitioner is that he was working as Assistant in the second respondent office and he was suspended on 22.07.2013 on certain corruption charges. Thereafter, on 14.08.2013, he made a representation to the second respondent for grant of subsistence allowance. By proceedings of the second respondent, dated 11.09.2013 the same was ordered in favour of the petitioner. In the meanwhile, the petitioner had challenged the order of suspension. As 50% of subsistence allowance granted was not sufficient and more than one year had lapsed, a representation was given to the first respondent on 22.04.2015,



07.07.2015 and again on 27.08.2015 requesting to grant 75% of subsistence allowance. The said representations are not responded by the first respondent. Hence, the petitioner has filed this Writ Petition for the above stated relief.

5. Considering the limited scope of the prayer made in this Writ Petition, without expressing any opinion on the merits of the case, the first respondent is directed to consider the representation of the petitioner, dated 27.08.2015 and pass appropriate orders on the same, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Medical and
Rural Health Services,
D.M.S. Complex,
No.361, Anna Salai,
Chennai - 600 006.

2. The Joint Director of Medical and
Rural Health Services,
Tenkasi,
Tirunelveli District.

+ 1 CC TO MR.R.J.KARTHICK, ADVOCATE IN SR NO. 11787
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 11820

PM

TE/SK-SKN/ : 10/03/2016 : 2P/5C

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