

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8848 of 2011

M.Ramalingam

..Petitioner

Vs

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road,
Chennai - 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Salem Region,
Salem.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent relating to the impugned order dated 24.2.2011 bearing Ref.PROC No.AE4/28250/2010 and quash the same and consequently direct the respondent to permit the petitioner to retire with effect from 31.8.2010 and pay all the arrears of subsistence allowance and all retiral benefits with interests.

For Petitioner : Mr.D.Bharatha Chakravarthy
for M/s.Sai Bharath and Ilan

For Respondents : Mr.S.Ramachandran

O R D E R

The order of rejection and the claim for payment of enhanced subsistence allowance, is under challenge in this writ petition.

2. The learned counsel appearing for the writ petitioner states that the subsistence allowance was paid to the petitioner to the extent of 50% of the salary and as per the counsel, if the period of suspension exceeds beyond six months, then the writ petitioner is eligible for enhancement of subsistence allowance. However, it is made clear that the word used in the Rules is "may". Thus, the discretion lies with the competent

authority in this regard. The learned counsel further states that it is suffice, if the respondents are directed to reconsider the representation and he is not insisting for quashing the impugned order in this writ petition.

3. In view of the submission made by the learned counsel for the writ petitioner and without going into the merits of the case, the writ petitioner is permitted to submit his representation in this regard to the first respondent within a period of ten days from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the representation on merits and in accordance with law, within a period of twelve weeks thereafter.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ms

To

1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
12, Thambusamy Road,
Chennai - 600 010.

2.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Salem Region,
Salem.

+1 CC to Ms. Sai Bharath & Ilan, Advocate sr 76717.

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GJII(CO)
SP(20/11/2017)