

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 34574 of 2013

N. Annapoorani

..Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri.

2. The Block Development Officer
Morappur Block
Morappur, Dharmapuri.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to refix the subsistence allowance of the petitioner as per Rule 53(1) proviso (i) of Fundamental Rules and to revoke the order of suspension dated 09.11.2012 and issue such further orders.

For Petitioner : Mr. M. Selvam

For Respondents : Mr. S. Navaneethan,
Addl. Govt. Pleader

O R D E R

The petitioner has filed the present writ petition, seeking to direct the 1st respondent to refix the subsistence allowance of the petitioner as per Rule 53(1) proviso (i) of Fundamental Rules and to revoke the order of suspension dated 09.11.2012.

2. Learned counsel for the petitioner would submit that the petitioner was working as an Overseer in Morappur Panchayat Union. The 1st respondent by his proceedings in Roc.No.27835/12/K4 dated 09.11.2012, placed him under suspension since she was arrested and remanded, for an alleged offence of receiving bribe of Rs.2000/-. Thereafter a case was registered in Cr. No.1 Ac/2012 against the petitioner and the same is

pending. Learned counsel further submitted that as per Rule 53 (1) of the Fundamental Rules, the petitioner is entitled for subsistence allowance and the same was paid to her. Since the petitioner was kept under prolonged suspension, even without initiating any disciplinary proceedings against her, the petitioner submitted a representation on 11.10.2013 to revise the subsistence allowance as per Rule 53(1) proviso (i) of the Fundamental Rules and to revoke the suspension so as to enable her to join service. As the respondents did not consider the said representation, by neither re-fixing the subsistence allowance to the petitioner nor revoked the order of suspension dated 09.11.2012, the petitioner has filed the present writ petition.

3. Learned Additional Government Pleader submitted that the respondents would consider the representation of the petitioner if it is still pending, in accordance with law.

4. Learned counsel for the petitioner submitted that the representation is pending from the year 2013 and so this Court may grant liberty to the petitioner, to file a fresh detailed representation, along with copy of this order, enabling the respondents to consider the same.

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

6. Taking into consideration the facts and circumstances of the case and the above said submissions, this Court grants liberty to the petitioner to make a fresh representation to the 1st respondent along with a copy of this order and on receipt of the same, the 1st respondent shall consider the same on merits, in accordance with law and pass appropriate orders, as expeditiously as possible, preferably within a period of three months thereafter.

7. The writ petition is disposed of, on the above terms. No costs.

-s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

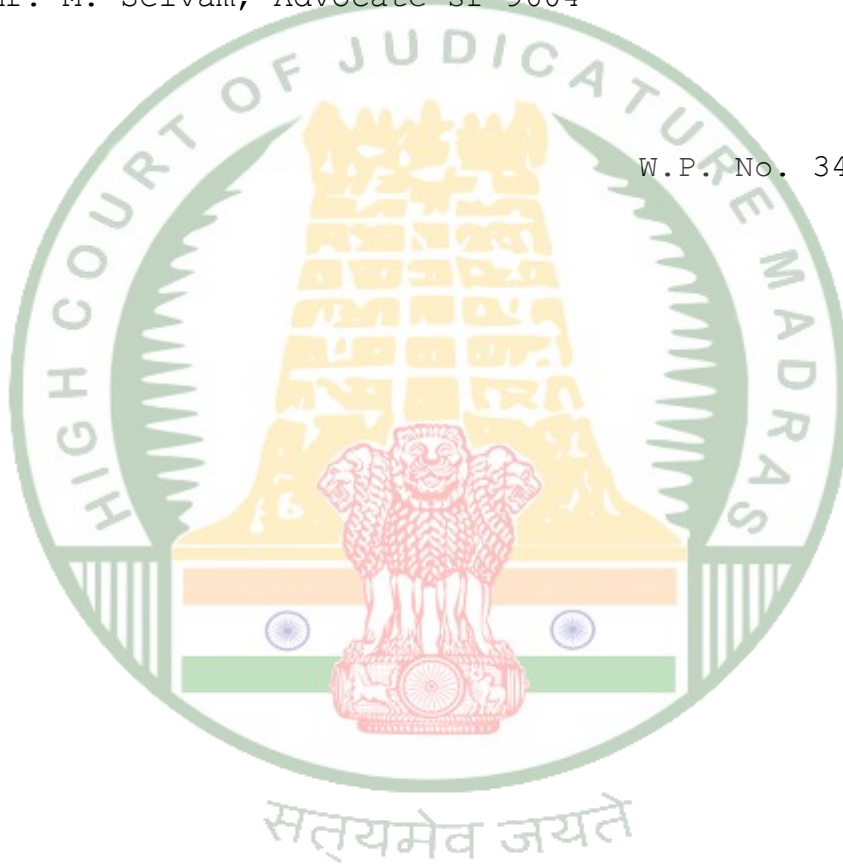
To

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Block Development Officer
Morappur Block
Morappur, Dharmapuri.

+1 CC to Mr. M. Selvam, Advocate sr 9604

W.P. No. 34574 of 2013

VGI (CO)
sp/10/4



WEB COPY