

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.680 OF 2016

D.Vasantharaja

[PETITIONER]

Vs

1 The Director General of Police
Chennai 600 004.

2 The Superintendent of Police
Nagapattinam,
Nagapattinam District.

[RESPONDENTS]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the second respondent to pay the subsistence allowance to the petitioner from the date of effect of the order of suspension i.e. 24.6.2014 as per Fundamental Rules 53 (1)(a) by considering the representation of the petitioner dated 17.7.2015.

For Petitioner : No appearance
For Respondents : Mr.M.Perumal
Govt. Advocate

ORDER

The relief sought for in this Writ Petition is to direct the respondents to consider the representation submitted by the petitioner on 17.7.2015, in respect of grant of subsistence allowance from the date of order of suspension i.e. 24.06.2014.

2.The writ petitioner was appointed as Data Entry Operator on compassionate grounds and subsequently, his services were regularised. However, on account of registration of a criminal case on 22.6.2014, in Crime No.550 of 2014, on the file of the Kottar Police Station, Kanniyakumari District, for the offences under section 379 IPC, subsequently altered under section 420 IPC, the writ petitioner was placed under suspension by the respondents proceedings dated 24.6.2015.

3.There is no infirmity in placing the writ petitioner under suspension. However, the payment of subsistence allowance is the basic right to the writ petitioner and non-payment of subsistence allowance is violative of the Rules in this regard. The writ petitioner, who is placed under suspension cannot be denied with the payment of subsistence of allowance. So also the writ petitioner has to comply with the conditions stipulated under the Rules. In the event of

producing 'No Employment Certificate' and other relevant details, the authorities has to consider the payment of subsistence of allowance. In this regard, the writ petitioner has submitted a representation on 17.7.2015.

4.In this view of the matter, the second respondent is directed to consider the representation submitted by the writ petitioner on 17.7.2015, and pass orders on merits and in accordance with the law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Rpa

21.08.2017

To

- 1 The Director General of Police
Chennai 600 004.
- 2 The Superintendent of Police
Nagapattinam,
Nagapattinam District.

WEB COPY

S.M.SUBRAMANIAM.,J



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