



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 21.12.2017

PRONOUNCED ON : 22.12.2017

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CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.12006 of 2014

Sorimuthu

... Petitioner

vs.

1.The Commissioner,
HR & CE Department,
Uthamar Gandhi Salai,
Chennai - 34.

2.The Assistant Commissioner,
HR & CE Department,
Tuticorin - 2.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to grant the subsistence allowance and other pending monetary benefits to the petitioner based on his representation, dated 16.05.2014 according to law.

For Petitioner	: Mr.S.Muthalraj
For Respondents	: Mr.S.Kumar, Additional Government Pleader.

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to grant the subsistence allowance and other pending monetary benefits to the petitioner based on his representation, dated 16.05.2014 according to law.

2.The case of the petitioner is that he was placed under suspension for certain charges under Section 17(b) of the Tamil Nadu Civil Service Disciplinary and Appeal Rules. After suspension, from 17.12.2011, the subsistence allowance has been revised to 75% from 50%. Hence, the petitioner has made various representations to the authorities to raise the subsistence allowance at 75% for the period above six months of his suspension, but the authorities have not passed any orders so far. On 08.06.2012 and 21.06.2012, the petitioner has received communication from the second respondent



assuring that the payment of 75% of subsistence allowance will be paid, but no payment was made by the respondents so far. Hence, the petitioner has sent another representation, dated 16.05.2014, by a registered post. Since no action has been taken by the respondents so far, the petitioner has filed the present Writ Petition.

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3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. From the counter-affidavit filed by the respondents, it is seen that in respect of other monetary claim made in the representation, dated 16.05.2014, action is being taken by the appropriate authorities and prayed for dismissal of the Writ Petition.

5. From the perusal of the communication, dated 21.06.2012, it is seen that enquiry was conducted and petitioner also participated in the enquiry and in the said enquiry, the petitioner was found guilty and punishment was awarded and he has also undergone the said punishment. The said suspension order was revoked later and he was reinstated into duty and posted as Inspector (Suits) HR & CE Department, Cuddalore in Proceedings.Rc.No.33114/2011, B.2, dated 20.05.2014 and the period of suspension was also regularised. Now, the petitioner is working as Superintendent on Foreign Service Terms with Arulmigu Subramaniaswamy Temple, Tiruttani.

6. On going through the materials available on record, it is evident that subsistence allowance was not paid at 75% to the petitioner for subsequent period and other benefits is also pending to be paid by the respondents.

7. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the representation of the petitioner, dated 16.05.2014 and pass appropriate orders, on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner, HR & CE Department,
Uthamar Gandhi Salai, Chennai - 34.

2. The Assistant Commissioner, HR & CE Department, Tuticorin - 2.
+One cc to Mr.S.Muthalraj, Advocate, SR.No.94207

+One cc to The Special Government Pleader, SR.No.94747

ps

RL/5C/2P/JC/SAR1/8/1/2018

<https://hcservices.ecourts.gov.in/hcservices/>

Order made in

W.P (MD) No.12006 of 2014

22.12.2017