



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 03.01.2017**

CORAM:

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

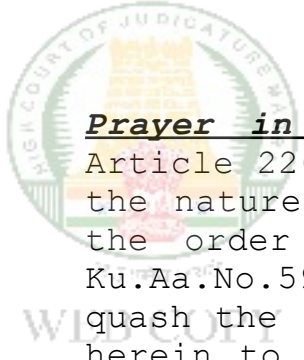
**W.P.(MD) Nos.4073 and 4074 of 2014**

1. S.P.Selvaraj ... Petitioner in WP(MD)No.4073/2014  
2. P.Mariappan ... Petitioner in WP(MD)No.4074/2014

-vs-

1. THE SUPERINTENDING ENGINEER  
TANGEDCO,  
KARUR ELECTRICITY DISTRIBUTION CIRCLE,  
COVAI ROAD, KARUR-639 002.
2. THE EXECUTIVE ENGINEER,  
OPERATION & MAINTENANCE,  
TANGEDCO (URABAN),  
COVAI ROAD, KARUR-639 002.
3. THE ASSISTANT EXECUTIVE ENGINEER,  
OPERATION & MAINTENANCE,  
TANGEDCO (NORTH),  
COVAI ROAD, KARUR-639 002.
4. THE ENQUIRY OFFICER / EXECUTIVE ENGINEER,  
OPERATION & MAINTENANCE,  
TANGEDCO, KULITHALAI,  
KARUR DISTRICT. ... Respondents

**Prayer in W.P. (MD) No.4073/2014:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Certiorarified Mandamus, calling for the records of the order of the 2<sup>nd</sup> respondent herein in his proceedings in Ku.Aa.No.5954/780/NiPi/O1/Ko.Maraimugam/2013-1 dated 06.11.2013 and quash the same and for further direction, directing the respondents herein to sanction the Subsistence Allowance pending departmental enquiry.



**Prayer in W.P. (MD) No.4074/2014:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Certiorarified Mandamus, calling for the records of the order of the 2nd respondent herein in his proceedings in Ku.Aa.No.5954/780/NiPi/O1/Ko.Maraimugam/2013 dated 6.11.2013 and quash the same and for further direction directing the respondents herein to sanction the Subsistence Allowance pending departmental enquiry.

For Petitioners : Mr.D.Nallathambi

For Respondents : Mrs.S.Srimathy  
For Mr.S.M.S.Johnny Basha

### **C O M M O N O R D E R**

The petitioners have come forward with these writ petitions, seeking to quash the impugned orders dated 06.11.2013 passed by the 2<sup>nd</sup> respondent in Ku.Aa.No.5954/780/NiPi/O1/Ko.Maraimugam/2013-1 and Ku.Aa.No.5954/780/ NiPi/O1/Ko.Maraimugam/2013, by which, the petitioners' request for subsistence allowance was declined. The petitioners also sought a direction to the respondents to sanction the Subsistence Allowance, pending departmental enquiry.

2. The grievance of the petitioners is that they have not been paid subsistence allowance pending departmental proceedings.

3. Learned counsel for the respondents would submit that already subsistence allowance has been paid to the petitioners and in view of the pendency of these writ petitions, they are unable to proceed with the enquiry, as there is an interim order of status quo.

4. Learned counsel for the petitioners seeks time to ascertain due payment of subsistence allowance to the petitioners by the respondents.

5. The records produced by the respondents would clearly show that the petitioners received payment of subsistence allowance and also affixed their signatures in proof thereof. Since the learned counsel for the petitioners raised doubts regarding payment of subsistence allowance to the petitioners, this Court directs the respondents to pay subsistence allowance to the petitioners , if not already paid within a period of fifteen days from the date of receipt of a copy of this order and proceed with the enquiry on day to day basis without adjourning the matter beyond ten working days at any point of time and bring the issue to a logical conclusion.



6. With the above direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To:

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OPERATION & MAINTENANCE,  
TANGEDCO, KULITHALAI,  
KARUR DISTRICT.

+1 cc to M/s.D.Nallathambi, Advocate in SR.No.391

+2 cc's to M/s.S.M.S.Johnny Basha, Advocate in SR.No.315 & 316

AR

AE-BS/09.02.2017 :3P/8C

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**03.01.2017**