

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.20442 of 2018

S.Gajendran

..Petitioner

Vs

1. The Commissioner,
Corporation of Chennai,
Ribon Building,
Chennai

2. The Zonal Officer,
Zone-IV,
Corporation of Chennai,
Ribon Building,
Chennai

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the representation of the petitioner dated 23.05.2018 and 02.07.2018 and pay the subsistence allowance to the petitioner in accordance with Section (3) of the Tamil Nadu Payment of Subsistence Allowance Act, 1988 and reinstate the Petitioner into service in accordance with law.

For Petitioner : Mr.S.Janarthanam

For Respondents : Mrs.Karthikaa Ashok,
Standing Counsel

ORDER

Mrs.Karthikaa Ashok, learned Standing Counsel for the respondents takes notice on behalf of the respondents.

2. The grievance of the petitioner in this case is that though he was put under suspension pending disposal of the disciplinary proceeding due to his involvement in an anti corruption case but the subsistence allowance as permissible to him has not been paid since March 2018. In this regard, the petitioner has made representations dated 23.05.2018 and

02.07.2018 but the second respondent has not considered the same and consequently his legitimate claim with regard to the subsistence allowance has not been paid to him. Therefore, he has come to this Court by filing this writ petition challenging such inaction of respondent No.2 seeking an order for disposal of his representations.

3. The learned counsel appearing for the petitioner submits that since the petitioner is entitled to the subsistence allowance during the period of suspension but the same has not been paid since March 2018 and also his representations in this regard have not been attended to as such the petitioner has filed this writ petition with the aforesaid prayer, hence the same may be allowed with necessary direction to the respondents.

4. The learned counsel appearing for the respondents submits that she has got instructions that subsistence allowance in the permissible scale has already been paid to the petitioner up to June 2018, however if the petitioner has filed any representation indicating the fact that he has not received the subsistence allowance in the permissible scale from March 2018 such representation shall be addressed and disposed of in accordance with law and decision thereof be communicated to the petitioner within a period stipulated by this Court, but this court must give a reasonable time to dispose of such representation.

5. Considering the nature of relief sought for and also the submissions made by the learned counsel for the parties, this Court disposes of this writ petition at this stage of admission without seeking counter/ reply affidavit of the respondents, with the direction to the respondents more particularly respondent No.2 to address the representations of the petitioner made in this regard on 23.05.2018 and 02.07.2018, if the same are pending and not disposed of yet, by taking an informed and considered decision on the same and intimate the same to the petitioner within a period of four weeks from the date of receipt of a copy of this Order.

6. With the aforesaid order, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Commissioner,
Corporation of Chennai,
Ribon Building,
Chennai

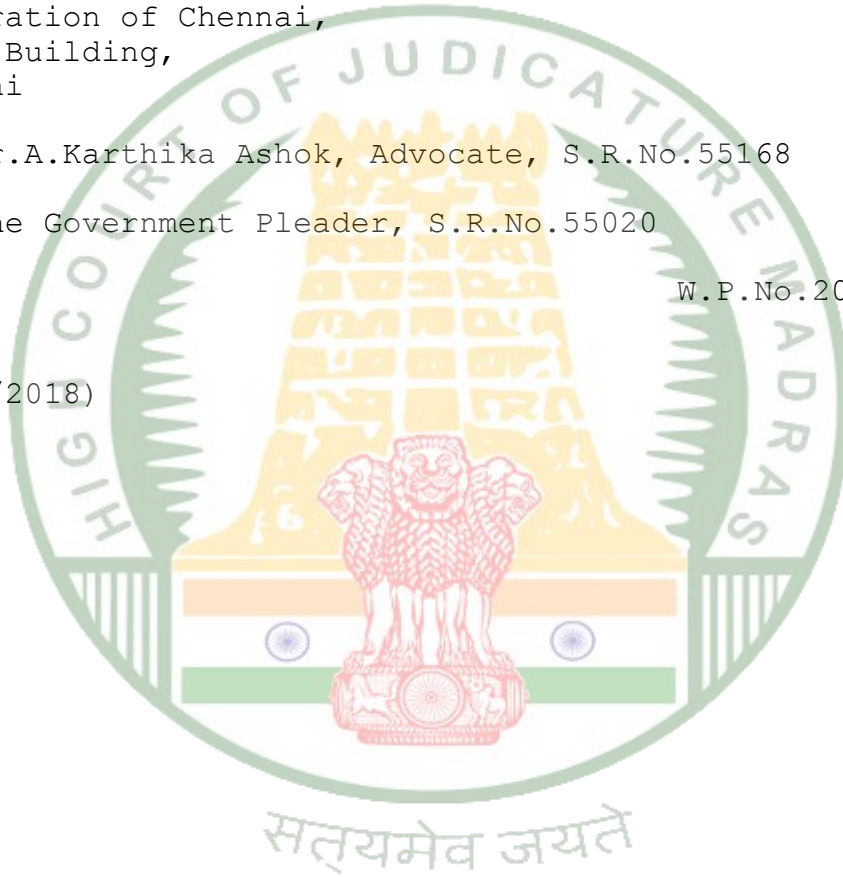
2. The Zonal Officer,
Zone-IV,
Corporation of Chennai,
Ribon Building,
Chennai

+1cc to Mr.A.Karthika Ashok, Advocate, S.R.No.55168

+1cc to the Government Pleader, S.R.No.55020

W.P.No.20442 of 2018

NMJ (CO)
GSP (05/09/2018)



WEB COPY