

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.11.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 3814 of 2013

S.Jeyaseelan

...Petitioner

Vs

- 1.The chief Engineer (General) (Highways),
Tamil Nadu Highways and Rural Works Department,
Chepauk, Chennai-5.
 - 2.The Joint Chief Engineer (Admn) (Highways),
Tamil Nadu Highways and Rural Works Department,
Chepauk, Chennai-5.
 - 3.The Superintending Engineer (H) Project,
Tamil Nadu Highways and Rural Works Department,
Pay and Accounts Office Complex,
Nandanam, Chennai-35.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to pay the subsistence allowance for the period from 2.12.2009 to till date with 18% interest and continue to pay the same till revocation of the suspension order dated 4.12.2009 within a time frame as fixed by this Court.

For Petitioner : Mr.G.Ananda Kumar
For Respondents : Mr.A.Shrijayanthy
Special Government Pleader
For R1 to R3

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to pay the subsistence allowance for the period from 2.12.2009 to till the date of filing of the writ petition.

2. It is brought to the notice of this Court that the subsistence allowance as applicable under the Rules had been paid to the writ petitioner till the year 2015. Thereafter, the writ petitioner had not submitted the required non employment certificate and other certificates, stating that he is residing in the headquarters. In the absence of submission of all those requisite documents, the respondents were not in a position to sanction subsistence allowance after the year 2015. However, it is admitted that from 2009 to 2015, the subsistence allowance as applicable was paid to the writ petitioner. The writ petitioner had attained the age of superannuation on 31.03.2018 and the disciplinary proceedings are still pending.

3. This being the factum of the case, the relief as such sought for in the present writ petition deserves no further consideration and the writ petitioner is at liberty to redress his grievances in the manner known to law by approaching the competent authorities.

4. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

sk

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Engineer (General) (Highways),
Tamil Nadu Highways and Rural Works Department,
Chepauk, Chennai-5.
- 2.The Joint Chief Engineer (Admn) (Highways),
Tamil Nadu Highways and Rural Works Department,
Chepauk, Chennai-5.
- 3.The Superintending Engineer (H) Project,
Tamil Nadu Highways and Rural Works Department,
Pay and Accounts Office Complex,
Nandanam, Chennai-35.

+1cc The Government Pleader, SR.NO.76821

W.P.No.3814 of 2013

MR(CO)
KAK (29/11/2018)