

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

Cont.P.No.2047 of 2018

in

W.P. No.11517 of 2018

T.Elumalai ... Petitioner

Vs

- 1.Dr.L.Subramanian, I.A.S.,
The District Collector/Inspector of Panchayat,
Villupuram District, Villupuram.
- 2.Smt.S.Viji,
The Block Development Officer (VP),
Olakkur Panchayat Union,
Thindivanam Taluk,
Villupuram District. ... Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for willful non-compliance of the order of this Hon'ble Court dated 28.4.2018 made in W.M.P. No.13454 of 2018 in W.P. No.11517 of 2018.

For Petitioner : Mr.I.Abraham Engles

For Respondents : Mrs.A.Srijayanthi
Special Government Pleader for R1

: Mr.D.Raghu
Government Advocate for R2

O R D E R

The present Contempt Petition is filed against the

<https://hcservices.ecourts.gov.in/hcservices/> order dated 28.04.2018 made in W.M.P.No.13454 of 2018 in

W.P.No.11517 of 2018, wherein, this Court directed the

respondents to pay the subsistence allowance to the writ petitioner within a period of four weeks.

2.Today, Mrs.S.Viji, Block Development Officer (VP), Olakkur Panchayat Union, Villupuram District, has appeared before this Court and has assisted the learned Special Government Pleader.

3.On instructions, the learned Special Government Pleader appearing on behalf of the 1st respondent states that the subsistence allowance has already been paid to the writ petitioner, as per the rules in force. The Disciplinary Proceedings are also in progress. On account of the pendency of a criminal case, the authorities are unable to proceed with the matter.

4.It is needless to mention that, the pendency of a criminal case is not a bar for the authorities to proceed with the disciplinary proceedings and pass final orders. This being the legal position, the authorities, if they are in possession of the documents in relation to the allegations, are at liberty to proceed with the disciplinary proceedings and pass final orders. However, in respect of subsistence allowance, it is stated that the same has already been paid.

5.The learned counsel for the petitioner states that after three months the petitioner is entitled for subsistence allowance at the rate of 75%. Subsistence allowance at the rate of 75% is only a discretion and the

same cannot be claimed as a matter of right. Subsistence allowance at the rate of 50% alone, is a right and the same has already been paid.

6.This being the factum of the case, the respondents have not violated the orders of this Court.

7.The learned Special Government Pleader also states that the disciplinary proceedings will be concluded within three months.

8.Accordingly, this Contempt Petition is closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

mkn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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सत्यमेव जयते

Ps/19/11/2018

To

1. The District Collector/Inspector of Panchayat, Villupuram District, Villupuram.
2. The Block Development Officer (VP), Olakkur Panchayat Union, Thindivanam Taluk, Villupuram District.

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