

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.17194 of 2018

S.Anbalagan

... Petitioner

Vs

The District Manager,
Tamil Nadu State Marketing
Corporation Ltd. (TASMAC),
Perambalur District.

.... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to pay subsistence allowance for the period of suspension from 24.05.2018 to the petitioner.

For Petitioner : Mr.V.Rajinikanth
For Respondent : Mr.P.Arumugarajan

O R D E R

Heard Mr.V.Rajinikanth, learned counsel for the petitioner.
Mr.P.Arumugarajan, learned counsel takes notice for the respondent.

2. By consent of the parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the above writ petition to issue a Writ of Mandamus, to direct the respondent to pay subsistence allowance for the period of suspension from 24.05.2018 to the petitioner.

4. The petitioner was placed under suspension by order dated 24.05.2018, pending enquiry into the charges. According to the learned counsel for the petitioner, on being suspended, the petitioner was not paid the subsistence allowance as per his entitlement. In this connection, the petitioner appeared to have submitted a representation on 29.06.2018. But, the representation has not evoked any response and therefore, he is before this Court for issue of Writ of Mandamus.

5. The learned counsel for the petitioner would also rely on the decision passed by the learned single Judge of this Court in W.P.No.34639 of 2013 dated 06.01.2014, wherein, a direction was issued to the respondent for payment of subsistence allowance to the suspended TASMAC employee. The operative portion of the order of the learned Judge in paragraph No.5, is extracted below:-

"5. Since the petitioner is entitled for subsistence allowance during the suspension period, the respondent is bound to pay the subsistence allowance. Hence, there shall be a direction to the respondent to pay the subsistence allowance. Accordingly, the respondent is directed to pay the subsistence allowance to the petitioner from the date of his suspension, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondent is directed to pay subsistence allowance to the petitioner throughout the suspension period."

6. The learned counsel for the respondent would submit that the respondent may be directed to dispose of the representation said to have been made by the petitioner on 29.06.2018, within a time frame.

7. In view of the limited prayer being sought for in the writ petition, the learned counsel appearing for the respondent would have no valid objection. This Court directs the respondent to dispose of the representation submitted by the petitioner on 29.06.2018, by granting admissible subsistence allowance to the petitioner in terms of the regulations governing the service conditions of the employees of the Corporation. The respondent is directed to take decision for granting subsistence allowance to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

gsk

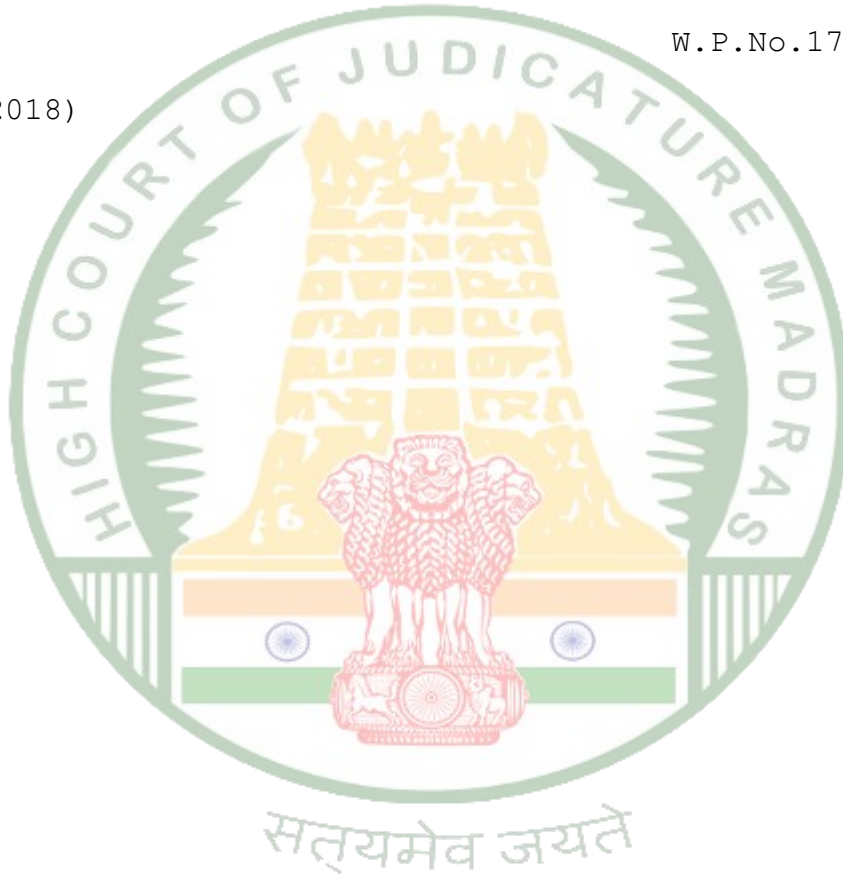
To

The District Manager,
Tamil Nadu State Marketing
Corporation Ltd. (TASMAC),
Perambalur District.

+1 CC to Mr.V.Rajinikanth, Advocate sr 44775.

W.P.No.17194 of 2018

SP(20/07/2018)



WEB COPY