

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 20.12.2018

CORAM:
THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition No.25929 of 2018

- 1 N.Ramakrishnan
Tasmac Shop No.4458 Keerapakkam Road
Murugamangalam Thiruporur Taluk
Kancheepuram District. .. Petitioner

- Vs -

- 1 The Managing Director
Tamil Nadu State Marketing Corporation Ltd.
IV Floor C.M.D.A. Tower II Gandhi Irwin
Bridge Road Egmore Chennai 600 008
- 2 The Senior Regional Manager
Chennai Region Tamil State Marketing
Corporation Ltd. No.735 Anna Salai LLA.
Building 4th Floor Chennai 600 002.
- 3 The District Manager
Tamil Nadu State Marketing Corporation Ltd.
TASMAC) Orikkai village SIPCOT
Kancheepuram (South) Kancheepuram District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the Respondents to pay the subsistence allowance due and payable to the petitioner for the period of suspension from 25.11.2017 to till date with interest for such delayed payment by considering the petitioner's representation dated 05.03.2018 and pass any other further or other orders.

For Petitioner : Mr. A.Ramalingam

For Respondents : Mr. Arumugarajan, Sr. Counsel.

O R D E R

This writ of mandamus has been filed seeking direction to the respondents to grant subsistence allowance for the period of suspension, commencing from 25.11.2017. Earlier, when the petitioner wanted early disposal of the pending disciplinary

proceedings, this Court has directed the respondents to complete the enquiry and to pass appropriate orders on merits within a outer limit of 12 weeks from the date of receipt of a copy of that order.

2. It is submitted by the learned Standing Counsel appearing for the respondents that the enquiry is over, but it has not been communicated to the petitioner herein.

3. Under normal circumstances, the respondents after finishing the enquiry, would communicate the order to the petitioner, in writing, calling for further explanation if any. But as the enquiry report is not communicated, the petitioner is made to wait indefinitely. Till the conclusion of disciplinary proceedings, the petitioner is entitled to subsistence allowance, as per the Rules.

4. Considering the facts, circumstances and the submissions made by the learned counsel on both sides, without dwelling further into the merits or otherwise of the matter, the respondents are directed to pay the arrears of the subsistence allowance payable to the petitioner, in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. Needless to state that, for the subsequent period also, the respondents are liable to pay the subsistence allowance.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

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+1cc to Mr.A.Ramalingam, Advocate, S.R.No.89010

W.P.No.25929 of 2018

SJ(CO)

RRS (30/01/2019)