



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.02.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P. (MD) .No.3544 of 2018

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Padmasekaran

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Department of Rural Department
and Local Administration,
Chennai-9.
2. The Director of Town Panchayats,
Kuralagam, Chennai.
3. The Assistant Director of Town Panchayats,
Collectorate Campus, Nagercoil,
Kanyakumari District.
4. The Executive Officer,
Vellimalai Town Panchayat,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to give subsistence allowance to the petitioner for the suspension period except 06.03.1998 to 21.11.2000 and from 22.11.2000 to till date.

For Petitioner : M/S.J.Balameenakshi

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks disbursement of subsistence allowance for the period from 22.11.2000 to till date.

3.The said request is opposed by the learned counsel for the respondents by placing reliance on the judgment made in W.A.(MD). No.1160 of 2016, dated 30.08.2017, passed by the Division Bench.

3.The learned counsel appearing for the petitioner fairly enclosed the said judgment in the typed set of papers. The said Writ Appeal arose out of the Writ Petition filed by the very same



petitioner herein.

4. In paragraph No.4 of the Writ Appeal the following observations have been made:-

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"The facts are not in dispute. The appellant was appointed only on daily wages basis in the year 1986. He became permanent by citing G.O.(Ms).No.21, Rural Development Department, dated 03.01.1997. It is the case of the appellants that the Government order had been fabricated. The only defence of the respondent is that he is not a party to the said fabrication. That is why, he has been named as a witness in the criminal proceedings and not as an accused. Be that as it may, the question of reinstatement would rise only if the appellant was holding the regular post."

5. In view of the aforesaid Writ Appeal judgment, the prayer in the Writ Petition cannot be granted.

6. There is no merit in the Writ Petition. It stands dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary to Government,
Department of Rural Department
and Local Administration, Chennai-9.
2. The Director of Town Panchayats,
Kuralagam, Chennai.
3. The Assistant Director of Town Panchayats,
Collectorate Campus, Nagercoil, Kanyakumari District.
4. The Executive Officer,
Vellimalai Town Panchayat, Kanyakumari District.

+1CC to M/S.J.Balameenakshi, Advocate, SR.No.50994

+1CC to the Special Government Pleader SR.No. 51308



23.02.2018

TSG

ES/SKN/RSK/SAR 4/26.07.2018/2P/7C

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