



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2018

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No.13237 of 2018

M.Veluchamy

: Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Executive Officer,
Town Panchayat,
Keeranur Town Panchayat,
Palani Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents ie., the District Collector, Dindigul District and the Executive Officer, Town Panchayat, Keeranur to sanction the enhanced subsistence allowance to the petitioner as per the provisions contained under Rule 53(1)(a)(i) of the Fundamental Rules since the petitioner has been suffering mentally and monetarily and his date of superannuation is fast approaching on 30.04.2019, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondent No.1 : Mr.K.Saravanan
Government Advocate

For Respondent No.2 : Mr.K.Mu.Muthu
Additional Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents ie., the District Collector, Dindigul District and the Executive Officer, Town Panchayat,



Keeranur to sanction the enhanced subsistence allowance to the petitioner as per the provisions contained under Rule 53(1)(a)(i) of the Fundamental Rules since the petitioner has been suffering mentally and monetarily and his date of superannuation is fast approaching on 30.04.2019.

WEB COPY

2. Heard Mr.S.Visvalingam, learned Counsel appearing for the petitioner, Mr.K.Saravanan, learned Government Advocate appearing for the first respondent and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the second respondent.

3. The learned Counsel for the petitioner submitted that the petitioner was suspended on 01.04.2016, pursuant to a disciplinary proceedings initiated against him and from the date of suspension, he has been paid only 50% of the subsistence allowance.

4. The learned Counsel for the petitioner would further submit that, as per Rule 53(1)(a)(i) of Fundamental Rules, the suspended employees would be eligible to get 75% of the pay as subsistence allowance, on expiry of six months period of suspension. Even though, the petitioner had been under prolonged suspension from 01.04.2016, even beyond six months period, since, the enhanced subsistence allowance had not been paid, the petitioner had made a request to the respondents on 24.02.2017. Since, no orders have been passed thereon, the petitioner has again given a representation on 30.05.2018. In spite of his repeated representation, nothing had yielded any desired results and thereby the statutory benefit to be given to the petitioner is being denied. Therefore, the petitioner is before this Court.

5. I have heard the learned Additional Government Pleader appearing for the second respondent, who would submit that, if the petitioner is eligible to get the enhanced subsistence allowance as per the Rule, certainly his grievance as projected by him through his representations dated 24.02.2017 and 30.05.2018, will be considered and an order to that effect, on merits, would be passed within a time frame.

6. Considering the said submission made by the learned Additional Government Pleader appearing for the second respondent and taking into account the limited scope of the writ petition, this Court is inclined to issue the following direction:

"The second respondent is directed to consider the request of the petitioner dated 24.02.2017 and 30.05.2018, with regard to his request for sanctioning of enhanced subsistence allowance from 50% to 75% and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."



7. The Writ Petition is disposed of, accordingly. However, there shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Executive Officer,
Town Panchayat,
Keeranur Town Panchayat,
Palani Taluk,
Dindigul District.

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 69123
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69391

MR

TE/RP/SAR-1 : 31/10/2018 : 3P/5C

ORDER MADE IN
W.P. (MD) No.13237 of 2018
21.06.2018