



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16370 of 2018

K.Karunanidhi

...Petitioner

Vs.

1) The District Collector,
Collector Office,
Madurai.

2) The Revenue Divisional Officer,
Melur,
Madurai District.

3) The Tahsildar,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the subsistence allowance on considering the petitioner's representation dated 04.06.2018 orders.

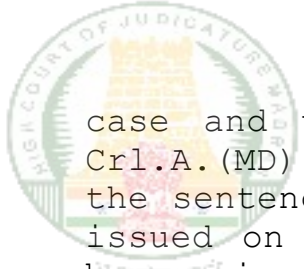
For Petitioner : Mr.S.Devasena
For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

O R D E R

The prayer sought for in the Writ Petition is for a Writ of Mandamus directing the respondents to pay the subsistence allowance to the petitioner by considering his representation dated 04.06.2018.

2. Heard Mr.S.Devasena, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The petitioner has been placed under suspension, by order dated 06.10.2009 and pursuant to the said suspension, the petitioner was paid subsistence allowance. The said suspension was initiated because of the involvement of the petitioner in a minor



case and ultimately, an Appeal was filed before this Court in CrI.A.(MD) No.67 of 2018 and the said appeal is pending, where, the sentence has been suspended. Thereafter, show cause notice was issued on 21.05.2018 by the respondents, for which, a reply has been given. However, abruptly, the subsistence allowance was stopped from February 2018 onwards and therefore, in this regard, the petitioner has given a representation on 04.06.2018 to continue to pay the subsistence allowance to the petitioner from the month of February 2018 onwards, but the said representation has not been considered.

4. The learned counsel appearing for the petitioner submits that, if the said representation is directed to be considered by the respondents and an order to that effect is passed on merits and in accordance with law within a time frame, the petitioner would be satisfied.

5. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that the representation dated 04.06.2018 seeking continuance of Subsistence Allowance can be considered on merits and an order to that effect would be passed within the time frame, that may be fixed by this Court.

6. Considering the limited scope of this Writ Petition, this Court is inclined to pass the following order:

"that the respondents are directed to consider the representation of the petitioner dated 04.06.2018 with regard to the grievance of the petitioner for the continuance of payment of Subsistence Allowance from the month of February 2018 onwards and decide the same on merits and in accordance with law and if ultimately, the respondents would decide to pay the Subsistence Allowance, that shall be immediately disbursed with arrears from the month of February 2018 and such an exercise shall be undertaken within a period four weeks from the date of receipt of a copy of this order."

7. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)



To

1) The District Collector,
Collector Office,
Madurai.

2) The Revenue Divisional Officer,
Melur,
Madurai District.

3) The Tahsildar,
Melur Taluk,
Madurai District.

+ 1 CC TO Mrs.S.DEVASENA, ADVOCATE IN SR No. 75185

STS

TE/SV/SAR-4 : 26/10/2018 : 3P/5C

Order made in
W.P.(MD)No.16370 of 2018
26.07.2018