



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17511 of 2018

A.Vellaichamy

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.
2. The Commissioner,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Ramanathapuram District.
3. The Block Development Officer,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the salary to the petitioner for the month of February, March and April-2017 and to disburse the subsistence allowance of the petitioner for his period of suspension for the month of October, 2017 till the revocation of suspension.

For Petitioner	: Mr.K.R.Laxman
For R1	: Mr.M.Murugan Government Advocate
For R2 and R3	: Mr.V.Anand, Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to disburse the salary to the petitioner for the month of February, March and April-2017 and to disburse the subsistence allowance of the petitioner for his period of suspension, for the month of October, 2017 till the revocation of suspension.



respondent and V.Anand, learned Government Advocate, appearing for the respondents 2 and 3.

3.The learned counsel for the petitioner would submit that, the petitioner has been working as Assistant at the third respondent Panchayat Union office. While so, he was placed under suspension on 18.04.2017. Till date, the suspension is in force and it was not reviewed / revoked. Though, the petitioner was suspended only on 18.04.2017, even prior to suspension, the petitioner has not been paid salary from the month of February, March as well as till 17.04.2017. Subsequent to the said suspension, the petitioner was given subsistence allowance up to September, 2017. Thereafter, i.e., from October, 2017, the petitioner has not even been paid the subsistence allowance till date. In this regard, the petitioner had given representation on 03.07.2018 and thereafter, almost every month, similar request had been made by the petitioner to release atleast subsistence allowance, without which, the petitioner cannot survive. Since, no action was taken on the said requests, the petitioner has moved this writ petition before this Court.

4.Heard the learned Government Advocate appearing for the respondents, who would fairly submit that, insofar as, the claim of salary for the month of February, March and till 17.04.2017, i.e., prior to the suspension, if really, the said salary is not paid to the petitioner for the said period, certainly, the salary would be immediately disbursed. So far as, subsistence allowance is concerned, even that request also would be considered by the respondents and if subsistence allowance is not paid from October 2017, that also would be paid to the petitioner in due course.

5.Considering, the said submissions made by both sides and taking into account the facts of the case that, since, the petitioner has not been paid the subsistence allowance from October, 2017 onwards and the suspension period is also continuing, the same has not been so far reviewed / revoked, the petitioner is entitled to get subsistence allowance. Hence, this Court is inclined to pass the following orders:

"The second respondent is directed to consider the request of the petitioner made on 03.07.2018 and accordingly release the subsistence allowance of the petitioner from October, 2017 onwards, till date and continue to pay the same, till the suspension is revoked. The second respondent shall also consider the request that the salary for the period of February and March as well as April, up to 17.04.2017, since have not been paid, the same also shall be paid. The aforesaid arrears of salary, as well as subsistence allowance till date, shall be calculated and be paid to the petitioner, within a period of four weeks from the date of receipt of a copy of this order and the second respondent shall continue to pay the subsistence allowance thereafter, till the revocation of suspension."



6. With this direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-)

To

1. The District Collector,
Ramanathapuram District.
2. The Commissioner,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Ramanathapuram District.
3. The Block Development Officer,
Kadaladi Panchayat Union,
The Office of the Kadaladi Panchayat Union,
Tamanathapuram District.

+ 1 CC TO Mr.K.R.LAXMAN, ADVOCATE IN SR No. 77161
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 77281

PNN

TE/JM/SV/SAR-3 : 12/09/2018 : 3P/6C

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03.08.2018