



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.13238 of 2013
and
M.P(MD)No.1 of 2015

R.Sundaravadivel(died)

R.Azhagusubbammal

(The Petitioner was substituted as L.R of the
deceased Original Petitioner, as per order of
this Court made in M.P(MD)No.1 of 2015 in
W.P(MD)No.13238 of 2013, dated 26.02.2018)

... Petitioner

-vs-

1. The Principal Secretary,
Municipal Administration and
Water Supply Department,
St.George Fort, Chennai.

2. The Commissioner,
Town and Country Planning,
No.807, Anna Salai,
Chennai-2.

3. The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the Petitioner, dated 5.8.2013 and on that basis to grant the Subsistence Allowance and Dearness Allowance during the period of suspension as mentioned in the proceedings by the third respondent in Ref.No.Ma.Po.1/12493/2007, dated 20.4.2007.

For Petitioner : M/s.J.Jawahar

For Respondents : Ms.V.P.M.Vaishnavi

1&2 Govt.Advocate

For R3 : Mr.T.S.Mohamed Mohideen

**O R D E R**

The relief sought for in this Writ Petition is to direct the respondents to consider the representation of the Petitioner, dated 5.8.2013 and to grant the Subsistence Allowance and Dearness Allowance during the period of suspension as mentioned in the proceedings by the third respondent in Ref.No.Ma.Po.1/12493/2007, dated 20.4.2007.

2.The grievances of the Writ Petitioner is that the Original Writ Petitioner Sundaravadivel was employed as Driver in Central Engineering Section, Lorry Stand in Madurai Corporation. He was placed under suspension on account of initiation of disciplinary proceedings. However, the learned counsel for the Writ Petitioner states that the subsistence allowance due to the original Writ Petitioner had not been settled. Meanwhile, the original Writ Petitioner Thiru.R.Sundaravadivel died on 17.10.2013 and subsequently, his mother R.Azhagusubammal is impleaded as legal representative of the Original Writ Petitioner, in the present Writ Petition. The only claim left out is that the subsistence allowance due to the deceased employee and other terminal and pensionary benefits as under the Rules. Thus the respondents have to consider the claim for payment of arrears of subsistence allowance due to the original Writ Petitioner and the terminal and other pensionary benefits as applicable under the Rules in force. In this regard, the Petitioner submitted representations to the third respondent on 20.4.2007 and 15.8.2013 and the same is yet to be considered.

3.Thus, without going into the merits of the matter, the third respondent is directed to consider the representations submitted by the Petitioner on 20.4.2007 and 5.8.2013 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. The Writ Petitioner is directed to enclose the copy of the representations and the documents, if any, along with a copy of this order to the third respondent, for further action.

4.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



1. The Principal Secretary,
Municipal Administration and
Water Supply Department,
St.George Fort, Chennai.

2. The Commissioner,
Town and Country Planning,
No.807, Anna Salai,
Chennai-2.

3. The Commissioner,
Madurai Corporation,
Madurai.

+ 1 CC TO Mr.J.SENTHIL KUMARAI AH, ADVOCATE IN SR No. 51492
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51658
+ 1 CC TO Mr.T.S.MOHAMED MOHIDEEN, ADVOCATE IN SR No. 51371

VSN

TE/CVC/SAR-4 : 19/03/2018 : 2P/7C

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