

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.17353 OF 2004

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the Award dated 21.11.2001 passed in M.P.No.84 of 1996 on the file of the 2<sup>nd</sup> respondent and to quash or set aside the same by holding it as arbitrary and illegal.

When the matter is taken up for hearing, learned counsel appearing for the petitioner submits that that the petitioner was reinstated into service *vide* order dated 04.04.1998; during pendency of the writ petition, he had retired from service; that the 1<sup>st</sup> respondent has not paid the subsistence allowance during the period of suspension; that the suspension period may be treated as on leave with pay, for which he is entitled to; and that appropriate orders be passed directing the respondents to pay the subsistence allowance.

Having regard to the said submissions, this Court is of the considered view that ends of justice would be met if a direction is given to the petitioner to submit a representation to the 1<sup>st</sup> respondent seeking subsistence allowance.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the 1<sup>st</sup> respondent

within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 1<sup>st</sup> respondent shall consider the same by treating the suspension period as on leave with full pay, for which, he is entitled to and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

*12<sup>th</sup> December, 2018*  
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