

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

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THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.7824 of 2019

and

WMP.Nos.8459 & 8461 of 2019

B.Govindarajan

...Petitioner

Vs

1.The Inspector General of Registration,
120, Santhom High Road, Chennai - 600 028.

2.The District Registrar (Admin)/
Public Information Officer,
Stone House Hills,
Near Govt. Arts College,
Udhagamandalam, Nilgiris District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent made in his proceeding in No.673/A3/2018 dated 16.04.2018 and quash the same and consequently direct the respondents 1 and 2 to pay the petitioner subsistence allowance at 100% of his last drawn salary per month along with the arrears from 2013 by fixing the correct subsistence allowance as per the Section 3 of the Tamil Nadu Subsistence Allowance Act 1981 with interest at 18% per annu from the date till date of payment and consequently respondents 1 and 2 to pay a sum of Rs.5 lakhs to as compensation towards loss and suffering for non payment of subsistence allowance from 2013 onwards.

For Petitioner : Mr.S.Silambanan, Sr.Counsel for
M/S Kaavyasilambanan

For Respondents : Mr. T.M.Pappiah,
Spl.Govt.Pleader for R1 & R2

ORDER

The order dated 16.04.2018, stating that the writ petitioner had not submitted the relevant non-employment certificates and other required certificates for the purpose of payment of subsistence allowance is under challenge in the present writ petition.

2. As far as the statement made in the impugned order that the writ petitioner is not eligible to get subsistence allowance, the said recording is incorrect. However, it is brought to the notice of this Court that, the subsistence allowance of Rs.1,86,167/- had already been paid to the writ petitioner on 28.03.2019. The learned Senior Counsel appearing on behalf of the writ petitioner states that, the calculation made by the respondents are incorrect. Even further that, the respondents cannot file the affidavit in respect of the correctness of the calculation made.

3. The learned Special Government Pleader appearing on behalf of the respondents states that, during the pendency of the writ petition, the departmental disciplinary proceedings initiated against the writ petitioner was concluded and he was dismissed from service on the proved allegation of acquisition of disproportionate wealth. Thus, the subsistence allowance as applicable and in respect of the certificates produced by the writ petitioner is settled by the authorities concerned.

4. It is stated that, the writ petitioner had not submitted the requisite non-employment certificate and other required documents for the purpose of sanctioning the subsistence allowance. As far as the period for which such certificates are produced, the subsistence allowance has been settled. In respect of the balance period, if necessary certificates are produced by the writ petitioner, then the Competent Authorities would be in a position to consider his case for sanctioning the subsistence allowance as admissible with reference to the Rules. In respect of the submission made by the learned Senior Counsel that the calculations made by the respondents are incorrect, it is left open to the writ petitioner to submit its calculation to the authorities concerned and in the event of receiving such calculation from the writ petitioner, it is for the authorities to consider the same with reference to the rules in force and accordingly, take a decision on merits and in accordance with law.

5. However, such a decision is to be taken as expeditiously as possible. In view of the fact that, the writ petitioner has already been dismissed from service and the writ petitioner is now submitting that, the calculations in the subsistence allowance

are erroneously made, it is for the writ petitioner to submit his claims by providing details and the Competent Authorities are bound to consider in accordance with Rules.

6. As far as the relief sought for in the present writ petition is concerned, the payment of subsistence allowance of Rs.1,86,167/- had already been paid to the writ petitioner and if at all, any other grievances are existing, it is for the writ petitioner to redress the same by submitting proper application before the Competent Authorities.

7. With these observations, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

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ASSISTANT REGISTRAR

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

Pkn

To

1.The Inspector General of Registration,
120, Santhom High Road, Chennai - 600 028.

2.The District Registrar (Admin)/
Public Information Officer,
Stone House Hills,
Near Govt. Arts College,
Udhagamandalam, Nilgiris District.

+1 CC to The Government Pleader Sr.No.38796

+1 CC to M/S.Kaavya silambanan, Advocate Sr.No.32839

W.P.No.7824 of 2019

SSI (CO)

TA-10/06/2019

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