

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27600 of 2019

K.Thangavel

... Petitioner

Vs.

The Principal Secretary to Government,
Home Department, Police II,
Secretariat, Chennai - 600 009.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent herein to enhance and pay the subsistence allowance in accordance with the orders of the Government in force and in accordance with Fundamental Rule 53(1)(a)(i) and to consequently release the arrears of the subsistence allowance payable to the petitioner right from the date of suspension to till date and within the time frame fixed by this Court.

For Petitioner : M/s.Swarnam J.Rajagopalan

For Respondents : Mrs.A.Sri Jayanthi,

Additional Government Pleader

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner was appointed as Sub Inspector of police by the Tamil Nadu Uniform Services Board and he joined duty on 29.01.1987. He was further promoted as Inspector of Police on 16.11.2001 and as Deputy Superintendent of Police on 26.12.2014 and was transferred to Prohibition Enforcement Wing Vellore and joined duty on 05.01.2015. While so, when the petitioner was discharging his duties in Vellore, a criminal case was registered against him and five others in Crime No.208 of 2015 by the Inspector of Police, Ambur Taluk Police Station on 28.05.2015 under Sections 1230(b), 420, 384 IPC and Rule 5, 35(B), 36(A) of Forest Act 1882 and in the said case, the petitioner was arrested and subsequently released on bail. Thereafter, the respondent herein passed an impugned order placing the petitioner under suspension with effect from the date of his detention i.e.10.06.2015. The main grievance of the petitioner is that, now he is under suspension and is receiving

only Rs.18,883/- as subsistence allowance and the investigation of the above said case is transferred to the CBCID, Vellore and there is no progress in the criminal case and so far no charge sheet has been filed. Now, the petitioner has issued a notice on 01.09.2019, calling upon the petitioner to attend the departmental enquiry scheduled on 12.09.2019. Therefore, the petitioner has made representations on 06.04.2017 and 20.06.2018 praying for enhancement of subsistence allowance. Since there was no response from the respondent, the petitioner has filed the present petition.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondent to consider the representations of the petitioner dated 06.04.2017 and 20.06.2018 and pass orders within the time stipulated by this Court.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondent to consider the representation of the petitioners dated 06.04.2017 and 20.06.2018 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. For ready reference, the petitioner is directed to enclose the copy of the representations dated 06.04.2017 and 20.06.2018 along with the order copy to enable the respondents to pass orders.

6.With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

The Principal Secretary to Government,
Home Department, Police II,
Secretariat, Chennai - 600 009.

+1 cc to M/s.Swarnam J.Rajagopalan,Advocate Sr.No. 80809

AKM/18.10.19/2P- 3C /

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