

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33583 of 2019

M.Rakesh

... Petitioner

.Vs.

1.The Additional Chief Secretary,
Commissioner of Indian Medicine
and Homeopathy,
Arumbakkam, Chennai-600 106.

2.The Principal,
Government Unani Medical College,
Arumbakkam,
Chennai-600 106.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay and enhance the petitioner's subsistence allowance in tune of 75% for the period of October 2017 to till date i.e.November 2019 consequently pay arrears on the same period.

For Petitioner : Mr.A.K.R.Ravi

For R 1 : Mr.S.N.Parthasarathy
Government Advocate

For R 2 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

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O R D E R

This writ petition has been filed seeking for a direction to the respondents to pay subsistence allowance to the petitioner to the tune of 75% from October 2017 till date.

2.It is seen from records that the petitioner was appointed as a Junior Assistant in the year 2001, and subsequently he was promoted as Assistant in the year 2006 and

he was transferred to the 2nd respondent Government Unani Medical College. The petitioner was placed under suspension on 23.09.2017, pending grave criminal charges. It is the case of the petitioner that the petitioner is being paid only 50% of subsistence allowance and that the petitioner is entitled for 75% of subsistence allowance under Rule 53 of the Fundamental Rules. The petitioner was making repeated representations to the respondents to pay the subsistence allowance at the rate of 75%. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.A.K.R.Ravi, learned counsel appearing for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate appearing for the 1st respondent and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for the 2nd respondent.

4. Taking into consideration the facts and circumstances of the case and of the fact that the claim made by the petitioner has to be dealt with under FR 53, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 03.10.2018, and deal with the same in accordance with FR 53 and pass orders within a period of four weeks from the date of receipt of copy of this order. If the petitioner is found to be entitled for enhanced subsistence allowance, the arrears of subsistence allowance, if any, shall also be paid to the petitioner.

5. The petitioner is directed to give a fresh representation to the 2nd respondent along with a copy of all the earlier representations made by the petitioner and also a copy of this order.

This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Additional Chief Secretary,
Commissioner of Indian Medicine
and Homeopathy,
Arumbakkam, Chennai-600 106.

2. The Principal,
Government Unani Medical College,
Arumbakkam,
Chennai-600 106.

+1cc to Mr.AKR.Ravi, Advocate SR.103023
+1cc to the Government Pleader SR.103675

W.P.No.33583 of 2019

RSK (CO)
CB (08/01/2020)



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