



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) No.10179 of 2019

WEB COPY

G.Subhash Chandra Bose

... Petitioner

Vs.

The Senior Regional Manager,
O/o.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thanjavur,
Thanjavur District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondent herein to revise the Subsistence Allowance from 50% to 75% as the suspension is prolonged for more than 6 months from 01.03.2013 in terms of Rule 53(1)(a)(I) of the Fundamental Rules on the basis of the petitioner's representation dated 28.09.2016.

For Petitioner	: Mr.A.Thiruvadi Kumar
For Respondent	: Mr.R.Vijayakumar

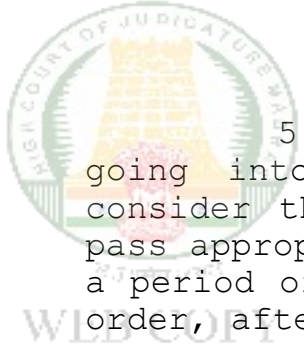
ORDER

This writ petition has been filed seeking a direction to the respondent to revise the subsistence allowance of the petitioner from 50% to 75%, based on his representation dated 28.09.2016.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent. By consent, the Writ Petition itself is taken up for final disposal at the stage of admission.

3.The case of the petitioner is that while he was working as a Superintendent in the office of the respondent Corporation, he has been suspended from service, based on a criminal complaint lodged against him. According to the petitioner, as per Rule 53(1)(a) of the Fundamental Rules, he is entitled to 50% of salary as subsistence allowance for a period of six months from the date of order of suspension and thereafter he is entitled to 75%. Seeking such benefit, he made a representation dated 28.09.2016 to the respondent and the same is pending without any consideration. Hence, this writ petition has been filed.

4.The learned counsel for the respondent, on instructions, submitted that the representation of the petitioner would be considered on merits and appropriate orders be passed.



5. In view of the above submission, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner dated 28.09.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

6. The writ petition is disposed of with the above direction. No costs.

sd/
Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

The Senior Regional Manager,
O/o. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thanjavur,
Thanjavur District.

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-62619[F] dated 25/04/2019)
+1 CC to Mr.R.VIJAYA KUMAR, Advocate (SR-62810[F] dated 26/04/2019)

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25.04.2019

mj
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