



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.07.2019
CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

WEB COPY

W.P. (MD) No. 12704 of 2019

A. Pandiammal

.. Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Personal Assistant to District Collector (Noon Meals),
Sivagangai District,
Sivagangai.

3. The Commissioner,
Panchayat Union,
Elayankudi,
Sivagangai District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents to pay the unpaid wages for the period from 01.11.2016 to 22.11.2016 and also subsistence allowance for the period from 23.11.2016 to 20.02.2018 in terms of Rule 53(1)(a)(i) of the Fundamental Rules and in the light of the judgment of this Court, in W.P. No. 6923 of 2017, dated 12.06.2017.

For Petitioner	: Mr. S. Govindan
For Respondents	: Mr. A. Muthukaruppan Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to pay the unpaid wages for the period from 01.11.2016 to 22.11.2016 and also subsistence allowance for the period from 23.11.2016 to 20.02.2018 in terms of Rule 53(1)(a)(i) of the Fundamental Rules and in the light of the judgment of this Court, in W.P. No. 6923 of 2017, dated 12.06.2017.

2. According to the petitioner, she was appointed as Cook in Panchayat Union Middle School on 24.08.1994 and pursuant to the criminal case registered against her, the second respondent temporarily placed the petitioner under suspension on



10.02.2017, without issuing any notice or conducting enquiry, which is in violation of the principles of natural justice. Further, the respondents had not passed any order for extension of suspension as contemplated under the Rules, after a period of three months. As the petitioner was placed under suspension, she should have been granted subsistence allowance to meet out the urgent family expenses in terms of Rule 53 of the Fundamental Rules. But, the same was not granted to her. Hence, the present Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents submitted that the second respondent would consider the petitioner's representation for payment of subsistence allowance and pass orders, within a time frame to be fixed by this Court.

4.Recording the submission made by the learned Additional Government Pleader appearing for the respondents, without going into the merits of the case, this Court directs the second respondent to consider the petitioner's representation for payment of subsistence allowance and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,Sivagangai District, Sivagangai.

2.The Personal Assistant to District Collector (Noon Meals),
Sivagangai District,Sivagangai.

3.The Commissioner,Panchayat Union, Elayankudi,
Sivagangai District.

+1cc to the Spl.Govt.Pleader Sr.No.75718

+1cc to Mr.S.Govindan,Advocate, SR.No.75605

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