



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition No.14 of 2017

and

W.M.P. (MD) .No.11 of 2017

K.Manoharan

... Petitioner

Vs.

1.The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.

2.The Chief Judicial Magistrate,
Ramanathapuram District,
Ramanathapuram.

3.The Judicial Magistrate,
Mudhukulathur,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the memorandum issued by the third respondent, dated 07.10.2015 and quash the same and consequently directing the respondents to provide the petitioner with subsistence allowance till the pendency of departmental proceedings in Proceeding No.1/2013 on the file of the second respondent.

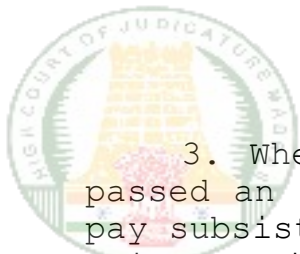
For Petitioner : Mr.P.Subbiah
For Respondents : Mr.K.Samidurai

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM,J.**)

Heard Mr.P.Subbiah, learned counsel appearing for the petitioner and Mr.K.Samidurai, learned counsel appearing for the respondents.

2. This writ petition has been filed challenging the Official Memorandum issued by the third respondent, dated 07.10.2015, by which the subsistence allowance payable to the petitioner was stopped on account of violation of the condition to reside at headquarters.



3. When the writ petition was entertained, the Division Bench passed an interim order on 03.01.2017, directing the respondents to pay subsistence allowance to the petitioner, pending disposal of the writ petition. Therefore, the petitioner has received the subsistence allowance. However, subsequently, the petitioner is stated to have been dismissed from service, after the departmental proceedings were concluded. This statement is reported by the learned counsel for the petitioner.

4. In the light of the same, the writ petition stands disposed of, leaving it open to the petitioner to question the order of dismissal, if so advised. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal District Judge,
Ramanathapuram District,
Ramanathapuram.

2.The Chief Judicial Magistrate,
Ramanathapuram District,
Ramanathapuram.

3.The Judicial Magistrate,
Mudhukulathur,
Ramanathapuram District.

+1 CC to M/s.P. SUBBIAH, Advocate (SR-91087[F] dated 03/10/2019)

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_KK/SAR/24.10.2019/2P-5C/