

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.304 of 2019

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of 2nd respondent in stopping payment of subsistence allowance from March, 2017 onwards, pursuant to order No.A2/4006/2016 dated 25.08.2016 as illegal, arbitrary and violative of principles of natural justice and sought a consequently direction to the respondents to pay subsistence allowance to the petitioner from March, 2017 onwards until conclusion of disciplinary/criminal proceedings.

Heard Mr.B.Vijaysen Reddy learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is working as Assistant Professor in the department of General Medicine in RIMS, Adilabad, since 2008. While discharging his duties, the respondents have placed the petitioner under suspension vide proceedings dated 25.08.2016 for the alleged misconduct of the petitioner in misbehaving with a lady and a case in Cr.No.267 of 2016 was registered against the petitioner for the offence punishable under Section 376 IPC. The petitioner further submits that upto February, 2017, the respondents have paid subsistence allowance but however from March 2017 onwards for the reasons best known to respondents, they have stopped paying subsistence allowance to the petitioner. The petitioner further submits that he filed detailed representations before respondents on 17.05.2018 and 03.11.2018 requesting to pay subsistence allowance, but so far, the respondents have not passed any orders on the representations

submitted by the petitioner nor the respondents have paid the subsistence allowance to the petitioner.

Learned counsel for petitioner submits that appropriate orders be passed directing the respondents to pay subsistence allowance to the petitioner from March, 2017 onwards.

Learned Government Pleader submits that the respondents would pass appropriate orders based on the representations submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions, is of the considered view that the petitioner is entitled for payment of subsistence allowance as long as the petitioner is kept under suspension.

Therefore, the writ petition is disposed of directing the respondents to consider the representations submitted by the petitioner and pass appropriate orders in accordance with law for grant of subsistence allowance to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

04-01-2019
Prv

