

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5824 of 2009

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondent No.1 in not paying the subsistence allowance and salary to the petitioner for the period of suspension from 30.10.2003 till the date of reinstatement i.e. 29.11.2004, as illegal, arbitrary, unjust apart from violative of principles of natural justice and against the Special By-laws relating to the service conditions of the employees of respondent No.1 and sought consequential directions directing the respondents to pay subsistence allowance and salary for the period of suspension from 30.10.2003 to 29.11.2004 by giving all service benefits along with interest at 18% per annum.

2. Heard Sri Nandigam Krishna Rao, counsel for petitioner and G.P. for Co-operation, appearing for respondents.

3. It has been contended by the petitioner that he was working as a Secretary with the respondents and while he was discharging his duties, the 1st respondent has placed him under suspension on 30.10.2003, and later on, he was reinstated on 29.11.2004. Counsel for petitioner contend that disciplinary proceedings were initiated against the petitioner and the same were dropped, however, the 1st respondent is not paying subsistence allowance and salary to the petitioner for the suspension period, even though the petitioner has retired from service. Therefore, counsel for petitioner contend that appropriate orders be passed in the writ petition

directing the 2nd respondent to ensure that the 1st respondent pays subsistence allowance and regularize the suspension period of petitioner in accordance with law.

4. The Government Pleader appearing for respondents 2 and 3 has contended that if the petitioner submits a representation afresh to the 2nd respondent, the same would be considered and appropriate orders would be passed in accordance with law.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit representation afresh to the 2nd respondent within two weeks from the date of receipt of a copy of this order, staking his claim for payment of subsistence allowance/salary for the suspension period, and upon such representation being received, the 2nd respondent shall examine the same and pass appropriate orders in accordance with law in another Six weeks thereafter.

6. With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th November, 2019

ajr