

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.46742 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not paying salary to the petitioner pending inquiry proceedings dated 22.10.2018, as arbitrary, illegal and violative of right guaranteed by the Constitution of India.

Heard Sri Ch.Venkat Raman, counsel for petitioner and Sri J.Srinivasa Rao, Standing Counsel for respondents.

It has been contended by the petitioner that he was employed as a Security Guard with the respondents and he was also a member of Trade Union. The respondents have placed the petitioner under suspension vide proceedings dated 22.10.2018 pending disciplinary action. The grievance of the petitioner is that though the respondents have placed him under suspension, the respondents are not paying subsistence allowance. Challenging the action of respondents in not paying the subsistence allowance, the present writ petition is filed.

Counsel for petitioner submits that recently, the petitioner has given an application as demanded by the respondents to the effect that the petitioner is not gainfully employed during the suspension period and contends that appropriate orders be passed in the writ petition directing the respondents to pay subsistence allowance to the petitioner.

Learned Standing Counsel appearing for respondents contend that the case of the petitioner will be examined and subsistence allowance will be paid to the petitioner in accordance with Rules.

This Court, having considered the rival submissions of the parties, is of the considered view that the petitioner is entitled for subsistence allowance in accordance with Rules. Therefore, the respondents are directed to pay subsistence allowance to the petitioner without any delay.

With these directions, the writ petition is allowed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

3rd January, 2019

ajr

ABHINAND KUMAR SHAVILI, J

