

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.863 of 2020 and WMP No.1034 of 2020

M.Sivakumar

...Petitioner

Vs.

1. The Commissioner Treasuries
and Accounts,
Amma Buildings, Chennai 600 035.

2. The Assistant Treasury Officer,
Sankari, Salem District

..Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the subsistence allowance and the terminal benefits payable to the petitioner as requested in the representation dated 02.12.2019.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to pay subsistence allowance and terminal benefits to the petitioner by considering the representation made by the petitioner on 02.12.2019.

2. The case of the petitioner is that he was appointed in the year 1972 as a Junior Assistant. In the year 2006, a criminal case came to be registered against the petitioner and another under the Prevention of Corruption Act. The petitioner was therefore suspended and not permitted to retire from service. The Criminal trial ultimately ended in conviction by judgment dated 27.08.2019. Aggrieved by the same, the petitioner has filed a Criminal Appeal before this Court in CA No.612 of 2019 and this Court by an order dated 23.09.2019, suspended the sentence imposed against the petitioner and the criminal Appeal is pending.

3. The grievance of the petitioner is that the respondents have abruptly stopped the payment of subsistence

allowance after the order of conviction was passed against the petitioner. Therefore, the petitioner has made a representation to the respondents on the ground that even if the subsistence allowance is going to be stopped, the petitioner must be given an opportunity and necessary orders will have to be passed and without doing the same, the payment of subsistence allowance cannot be stopped abruptly. In this regard, the petitioner made a representation to the respondents on 02.12.2019. Since the same was not considered, the present writ petition has been filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the respondents to consider the representation made by the petitioner on 02.12.2019 and pass appropriate orders, strictly within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation along with copy of the earlier representation dated 02.12.2019 and also a copy of this order.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner Treasuries and Accounts,
Amma Buildings, Chennai 600 035.

2. The Assistant Treasury Officer,
Sankari, Salem District

+1 cc to M/s.M.Devaraj, Advocate Sr.No. 3426

+1 cc to The Government Pleader Sr.No. 4362

AKM/24.01.2020/2P-5C /

W.P.No.863 of 2020