

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.NO.29209 OF 2007

M.Manickam

... Petitioner

Vs.

1. The Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Commissioner,
Cheyyar Panchayat Union, Cheyyar,
Thiruvannamalai District.

... Respondents

Prayer:

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Na.Ka.No.A8/3494/07 dated 31.07.2007 and quash the same and direct the respondents to pay subsistence allowance to the petitioner for the period of suspension, namely, 18.01.2005 to 26.06.2006.

For Petitioner : Mr.P.Rajendran
No appearance

For Respondents: Mr.K.Magesh
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order of the second respondent in Na.Ka.No.A8/3494/07 dated 31.07.2007, quash the same and direct the respondents to pay subsistence allowance to the petitioner for the period of suspension viz., 18.01.2005 to 26.06.2006.

2. The case of the petitioner is that he was working as Noon Meal Organiser at the Panchayat Union Elementary School, Thiruvannamalai District. Further, he was placed under suspension by the proceedings of the first respondent with

effect from 18.01.2005. Subsequently, the said order of suspension was revoked and he was reinstated in service and he joined duty on 27.06.2006. During his suspension period viz., 18.01.2005 to 26.06.2006, he was not paid any subsistence allowance, therefore, he made a representation to the first and second respondents but no order was passed on his representation. Subsequently, he filed a writ petition before this Court in W.P.No.21227 of 2007. This Court vide order dated 22.06.2007, directed the respondents to consider the representation of the petitioner dated 20.07.2006. The respondent rejecting the representation of the petitioner, passed an impugned order dated 31.07.2007, stating that there is no rule for payment of subsistence allowance to Noon Meal Organiser Employees and therefore, the same is applicable to the petitioner. Challenging the above said impugned order, the petitioner has filed the present writ petition before this Court.

3. Though, the writ petition is pending from the year 2007, when the matter is taken up for hearing today, there is no representation on behalf of the petitioner. Even on earlier occasion, there was no representation for the petitioner.

4. Heard learned Special Government Pleader appearing for the respondents.

5. The learned Special Government Pleader would submit that a Noon Meal Organiser is not entitled for the payment of subsistence allowance and therefore, this writ petition is liable to be dismissed.

6. Admittedly, the petitioner was working as a Noon Meal Organiser and was placed under suspension due to the pendency of the criminal case against him and subsequently, after the acquittal in the criminal case, he was reinstated in service. During his suspension period, subsistence allowance was not paid to him, against which, he made a representation to the respondents but the same was not considered. Thereafter, the petitioner filed the writ petition in W.P.No.21227 of 2007, seeking for a direction to the respondents to consider his representation. This Court vide order dated 22.06.2007, directed the respondents to consider the representation of the petitioner. The respondents rejecting the representation of the petitioner stated that, there is no rule for payment of subsistence allowance to Noon Meal Organiser.

7. In view of the above facts and circumstances of this case and considering the submission made by the learned Special Government Pleader, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sni

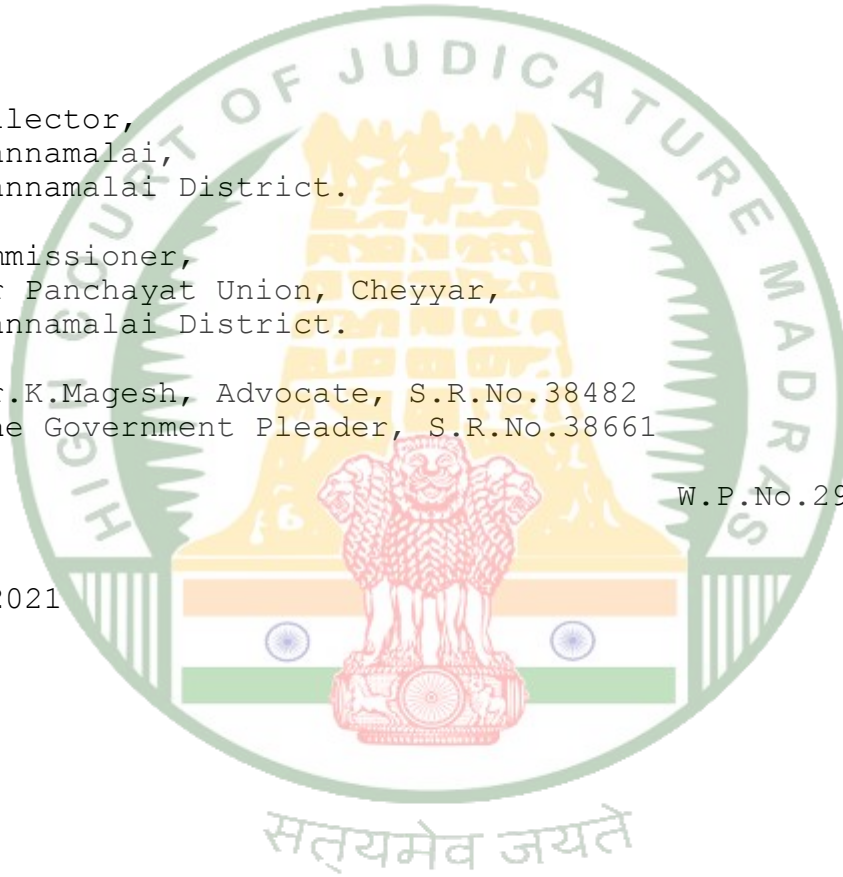
To

1. The Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The Commissioner,
Cheyyar Panchayat Union, Cheyyar,
Thiruvannamalai District.

+1cc to Mr.K.Magesh, Advocate, S.R.No.38482
+1cc to the Government Pleader, S.R.No.38661

W.P.No.29209 of 2007

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CS/03/02/2021



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