

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.12889 of 2020

A.Muthukumar

... Petitioner

-Vs-

The District Manager
Tamil Nadu State Marketing Corporation Ltd
Namakkal District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to pay subsistence allowance from the date on which the petitioner was placed under suspension.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.K. Sathish Kumar
Central Government Standing Counsel

O R D E R

The matter was taken up through Web-hearing.

2. The petitioner is a Salesman employed in the respondent Corporation. According to him that since his appointment on 10.12.2003 he has been discharging his duties without any complaint. However, by proceedings dated 16.05.2020, the petitioner was placed under suspension for certain alleged irregularities committed by him in discharge of his duties. Thereafter, a charge memo was also issued on 02.06.2020. The petitioner has also submitted his representation to the charge memo on 28.06.2020 denying the charges levelled against him. Though the petitioner was suspended on 16.05.2020 and the suspension order has been continued, according to him no subsistence allowance has been paid to him till date. Therefore, he is before this Court seeking to direct the respondent to pay subsistence allowance as admissible to him.

3. On notice, Mr.K.Sathish Kumar, learned Standing Counsel entered appearance on behalf of the respondent.

4. When the matter was taken up for hearing today, this Court found that the direction itself sought in the writ petition has a limited scope and no prejudice would be caused to

the Corporation if the writ petition is allowed by directing the respondent to consider the request of the petitioner for payment of subsistence allowance during the period of suspension.

5. In view of the above, the writ petition is disposed of with a direction the respondent to consider the request of the petitioner made through his representation dated 25.08.2020 towards payment of subsistence allowance payable to him under the Service Regulations and appropriate orders need to be passed in this regard within a period of two weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above directions. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KST
To

The District Manager
Tamil Nadu State Marketing Corporation Ltd
Namakkal District.

W.P.No.12889 of 2020

VGII (CO)
SP(28/10/2020)

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