



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10023 of 2020

(Through Video Conferencing)

WEB COPY

S.Ramasundaramani

... Petitioner

Vs.

1.The Commissioner,
Municipal Administration,
Chennai. 5

2.The Commissioner
Kadayanallur Municipality,
Kadayanallur.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 29.04.2020 requesting the respondents to pay the balance of 75% of subsistence allowance for the period of 04.04.2016 to 29.06.2017 during the period of suspension from 06.10.2015 to 29.06.2017 with interest within a time frame fixed by this Court.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : Mr.M.Karuppasamy Pandian
Government Advocate for R1

Mr.Aayiram K.Selvakumar for R2

ORDER

This writ petition has been filed for a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 29.04.2020 requesting the respondents to pay the balance of 75% of subsistence allowance for the period from 04.04.2016 to 29.06.2017 during the period of suspension from 06.10.2015 to 29.06.2017 with interest.

2.The petitioner was working as Assistant at the second respondent Municipality. While so, he was placed under suspension in connection with the disciplinary proceedings on 06.10.2015 and the said suspension was revoked only on 29.06.2017. In this regard, during the said suspension period, the period between 04.04.2016 and 29.06.2017, the petitioner was entitled to get full subsistence allowance whereas he was given only 25% of the subsistence



allowance. Hence, in order to get the remaining subsistence allowance, the petitioner has given a representation on 29.04.2020 and since the same has not been considered by the respondent Municipality, the petitioner is before this Court with this writ petition.

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3. Heard the learned counsel for the petitioner, who would submit that, a direction may be issued to the respondents, especially, the second respondent Municipality to consider the said representation of the petitioner and decide the same on merits within a time frame and in that case, the petitioner would be satisfied.

4. I have heard the learned Government Advocate for the first respondent and the learned standing counsel for the second respondent. They would submit that, the said request of the petitioner dated 29.04.2020 would be considered on merits and in accordance with law within a time frame to be stipulated by this Court.

5. Considering the limited scope of the prayer sought for in this writ petition and having taken note of the submissions made by the learned counsel on either side, this Court is inclined to dispose of the writ petition with the following direction:

"that the respondents, especially, the second respondent is hereby directed to consider the representation of the petitioner dated 29.04.2020 and pass orders thereon with regard to the plea of the petitioner to get the remaining amount of subsistence allowance for the period between 04.04.2016 and 29.06.2017 and accordingly pass necessary orders to that effect within a period of six weeks from the date of receipt of a copy of this order".

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



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To

1.The Commissioner,
Municipal Administration,
Chennai. 5

2.The Commissioner
Kadayanallur Municipality,
Kadayanallur.

+1 CC to M/s.GP (SR-14982[F] dated 26/08/2020)

+1 CC to M/s.PT.S. NARENDRAVASAN, Advocate (SR-15035[F] dated
26/08/2020)

W.P. (MD) No.10023 of 2020
25.08.2020

AC (CO)

AP (29/09/2020) 3P 5C