



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9149 of 2020

(Through Video conferencing)

G.Balusamy

...Petitioner

-Vs-

The Deputy Inspector General of Police
(Technical),
Police Telecommunication Branch,
Chennai - 4.

...Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to pay the full subsistence allowance to the petitioner from December 2014 based on the petitioner's representation dated 14.07.2020.

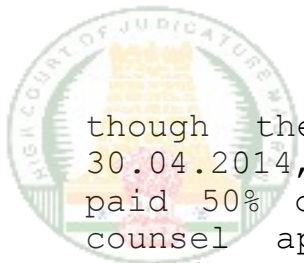
For Petitioner : Mr.M.Mohan Gandhi
For Respondents : Mr.S.Dhayalan, Government Advocate

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the respondent to pay the full subsistence allowance to the petitioner from December 2014 based on the petitioner's representation dated 14.07.2020.

2.Heard Mr.M.Mohan Gandhi, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned Government Advocate appearing for the respondent.

3.The petitioner, while was working as Inspector of Police in the year 2014, was placed under suspension from 07.02.2014 in connection with a criminal case filed against him in crime No.36 of 2014 at Thiruppuvanam Police Station for the alleged offences under Sections 302, 120(b), 147, 148, 342, 201 IPC r/w 34 of IPC. Thereafter, the petitioner has been paid subsistence allowance at the rate of 50%. However, according to the learned counsel appearing for the petitioner, there has been no progress in the criminal case and still, the same is pending. Therefore, even



though the petitioner attained the age of superannuation on 30.04.2014, he was not permitted to retire, however, he is being paid 50% of subsistence allowance. In this regard, the learned counsel appearing for the petitioner would submit that, the petitioner is entitled to get more subsistence allowance because of the prolonged suspension. Therefore, in this regard, since the petitioner's representation dated 14.07.2020 has not been considered by the respondent, if a direction to that effect is given by this Court to consider the said representation and to decide the same on merits and in accordance with law, within a time frame, the petitioner would be satisfied.

4. Heard the learned Government Advocate appearing for the respondent, who would submit that, the said representation of the petitioner dated 14.07.2020 would be considered by the respondent, 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 herein, this Court is inclined to dispose of this writ petition with the following direction:

"The respondent is hereby directed to consider the representation submitted by the petitioner dated 14.07.2020 and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.



To

The Deputy Inspector General of Police (Technical),
Police Telecommunication Branch,
Chennai - 4.

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Order made in
W.P. (MD) No. 9149 of 2020
13.08.2020

VB (10.09.2020) 3P 2C