



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.15328 of 2020

P.Maruthamuthu

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Personal Assistant (Development)
to the Collector of Sivagangai District,
Sivagangai.

3.The Block Development Officer (Village Panchayat),
Sivagangai Union,
Sivagangai.

... Respondents

PRAYER : This Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents i.e., the District Collector, Sivagangai and the Personal Assistant (Development) to the Collector, Sivagangai regarding enhancement of Subsistence Allowance as per the provisions contained under Rule 53(i) of the Fundamental Rules within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For R-1 and R-2 : Mr.A.Thiyagarajan
Government Advocate

For R-3 : Mr.K.P.Krishnadoss
Special Government Pleader

O R D E R

This Writ Petition has been filed to direct the respondents 1 and 2 regarding enhancement of Subsistence Allowance, as per the provisions contained under Rule 53(i) of the Fundamental Rules within a specified time frame.



2.The contention of the petitioner is that he was placed under suspension from 15.07.2017 because of the pendency of the criminal case and he is getting 50% of subsistence allowance. Since he has been under suspension for more than three years, he is monetarily and mentally suffering. Therefore, he sought for enhancement of Subsistence Allowance as per Rule 53(i) of Fundamental Rules. In this regard, the petitioner has made a representations on 17.11.2019 and 14.09.2020. However, he has not received any reply so far. Hence, he approaches this Court to pass appropriate orders.

3.The learned Government Advocate appearing for the respondents 1 and 2 would fairly submit that the first respondent is the competent authority to dispose of the representations of the petitioner dated 17.11.2019 and 14.09.2020 and the same will be disposed within a period of eight weeks on merit and in accordance with law.

4.The learned Special Government Pleader appearing for the third respondent would submit that the representations will be disposed of in terms of G.O.Ms.No.72, Rural Development and Panchayat Raj (E5) Department, dated 09.07.2013.

5.In view of the submissions made by the learned counsel appearing on either side, this Court directs the first respondent to dispose of the petitioner's representations dated 17.11.2019 and 14.09.2020 within a period of two weeks from the date of receipt of a copy of this order on merits and in accordance with law.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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:-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Personal Assistant (Development)
to the Collector of Sivagangai District,
Sivagangai.

3.The Block Development Officer (Village Panchayat),
Sivagangai Union,
Sivagangai.

+1 CC to SGP (SR-21341[F] dated 05/11/2020)

W.P.[MD]No.15328 of 2020

04.11.2020

ARK(CO)

NR (19/11/2020) 3P : 5C