

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7941 of 2014

K.Babu Nawaz Khan

....Petitioner

Vs

Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai-600 001.

....Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondent to release the payments due to the petitioner in accordance with law pursuant to the representations of the petitioner dated 18.09.2013, 04.12.2013 and 29.01.2014 and also change petitioner's headquarters from Vellore to Salem (representation dated 25.07.2013).

For Petitioner : Mr.T.S.Gopalan and Co.
For Respondent : Mr.Mohamed Fayaz Ali

ORDER

The prayer made in this writ petition is to direct the respondent to release the payments due to the petitioner in accordance with law, based on the representations dated 18.09.2013, 04.12.2013 and 29.01.2014 and also change his headquarters from Vellore to Salem based on the representation dated 25.07.2013.

2.It is the case of the petitioner that while he was working as Superintendent of Wakf, he was placed under suspension on 27.01.2010 alleging that he received bribe. Since he was not paid any subsistence allowance, he filed WP.No.22385/2010, which was disposed of, by order dated 04.10.2010. Thereafter, he was paid 50% subsistence allowance. On 30.06.2013, he reached the age of superannuation. According to the petitioner, from 28.01.2010 to 28.07.2010, i.e., six months, he was eligible to get 50% of pay and allowances as subsistence allowance and from 29.07.2010 to 30.06.2013, he is entitled to receive 75% of pay

and allowances, as per FR 53(1)(i); he was not paid the interim relief of Pay commission arrears for the months July and August, 2013; he is eligible to get two more instalments, as per G.O.Ms.No.10, Finance (PC) Department dated 13.01.2009; and GPF and SPF which were deducted from his salary, have to be paid. Claiming those amounts, he made representations dated 18.09.2013, 04.12.2013 and 29.01.2014 which were not considered. He also made representation dated 25.07.2013 seeking transfer of headquarters from Vellore to Salem, as there was no departmental / vigilance enquiry pending. Finding no response on the said representation, the petitioner has preferred this writ petition for the aforesaid relief.

3.However, today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that in view of the subsequent developments taken place during the interregnum period, the petitioner may be permitted to approach the respondent afresh to redress his grievances indicating all the details, for which, the learned counsel appearing for the respondent has no serious objection.

4.Considering the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondent, this Court permits the petitioner to submit a fresh representation in detail along with a copy of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondent shall consider the said representation and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of six weeks thereafter.

5.Accordingly, the writ petition stand disposed of. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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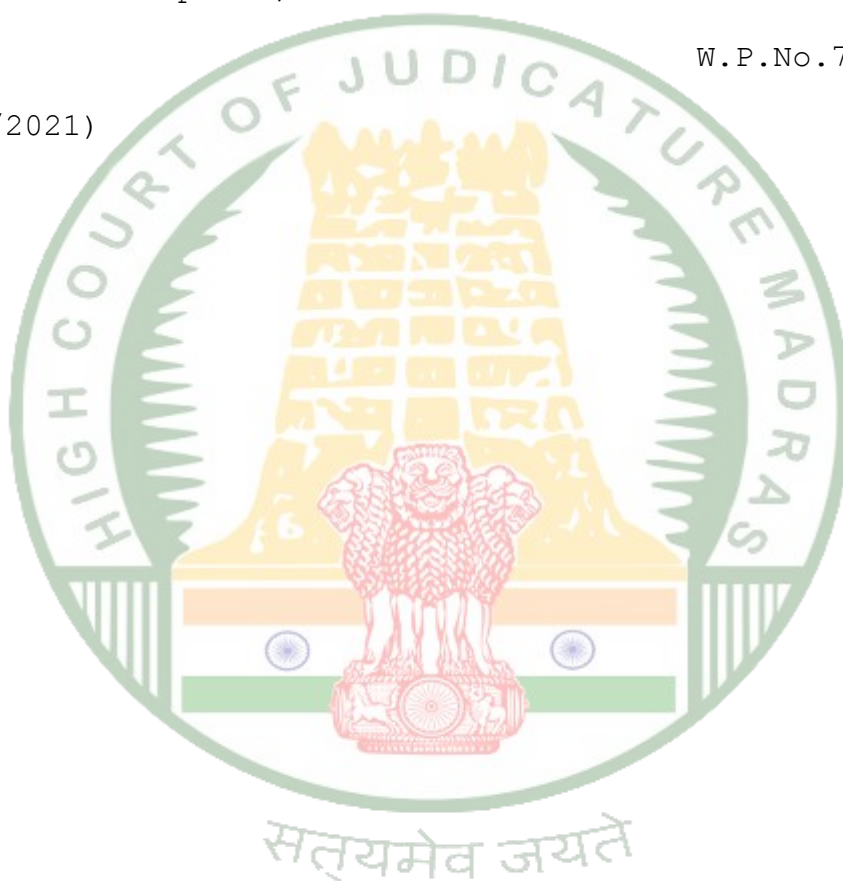
To

The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

+1 cc to M/s.T.S.Gopalan, Advocate Sr.No. 787

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BR(CO)
RMP(09/03/2021)



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