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IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 24.09.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition No.20528 of 2021

(Through Video Conferencing)

M.Prabhakaran

... Petitioner

Vs.

1.The Fit Officer/Thakkar
Arulmigu Arunachaleswarar Mattrum
Varadaraja Perumal Temple,
Chennai - 79.

2.The Executive Officer,
Arulmigu Arunachaleswarar Mattrum
Varadaraja Perumal Temple,
Chennai - 79.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Division -1, Padi,
Chennai -50.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to pay the subsistence allowance to the Petitioner for the period of suspension from July 2020 to till date in the light of the representation made by the Petitioner dated 02.09.2021 within a limited time frame as deem fit by this Court. .

For Petitioner : Mr.M.Alagu Gowtham

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate for R1 to R3

O R D E R

The Petitioner was placed under suspension on 19.08.2019. It is the case of the Petitioner that despite the Petitioner being placed under suspension, the subsistence allowance has not been paid. According to the Petitioner, the Petitioner sent two representations to the Respondents, but the Respondents have not



considered the representations and has not been paid the subsistence allowance till date.

2. Appearing on behalf of the Respondents, the learned counsel for the Respondents submits that part of the subsistence allowance has already been paid to the Petitioner and the Petitioner did not not co-operate with the Respondents and the Petitioner has not come forward to give a signed stamp receipt for the payment already received by him and the Petitioner is not appearing before the respondent. In these circumstances, the balance subsistence allowance has not been paid.

3. Considering the above submissions of the learned counsel for the Respondents, the Petitioner is directed to give signed stamp receipt to the Officers of the second Respondent for the amount already received for within a period of 15 days from the date of receipt of copy of this order by appearing before the Officer of the second Respondent. The Petitioner shall also furnish his account details for the transferring of the arrears of subsistence allowance while giving the stamped receipt for payments already received. The Respondents are therefore directed to effect net payment of subsistence allowance directly to the Petitioners during the pendency of the Disciplinary proceedings.

4. Considering the fact that the Respondents has issued a charge memo dated 19.08.2019 to the Petitioner and the Petitioner has also given his reply / explanation on 28.08.2019, the Respondents are also directed to pass final orders and to complete the disciplinary proceedings preferably within a period of nine months from the date of receipt of copy of this order. The Petitioner is directed to cooperate with the Respondents in the aforesaid disciplinary proceedings.

5. This writ petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

rrg



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