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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NO.22295 OF 2021

S.Kannadasan

... Petitioner

.Vs.

The Deputy Collector/The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Perambalur District.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent herein to pay subsistence allowance for the period of suspension from 04.08.2021 to the petitioner herein.

For Petitioner : Mr.N.Balamuralikrishnan

For Respondent : Mr.K.Sathishkumar
Standing Counsel

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondent herein to pay subsistence allowance for the period of suspension from 04.08.2021 to the petitioner herein.

2. The petitioner was appointed as Shop Supervisor on 29.12.2003 on a consolidated pay of Rs.3000/- per month. While he was working as Supervisor at TASMAC Godown at Perambalur District, he was placed under suspension for involvement in a criminal case with effect from 04.08.2021. According to him, he was implicated in a false criminal case which laid to the passing of suspension order against him.



3. The grievance of the petitioner is that despite being placed under suspension, no subsistence allowance has been paid to him. Therefore, he is before this Court seeking for issuance of Writ of Mandamus.

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4. According to the learned counsel for the petitioner, despite suspension in August 2021 denial of subsistence allowance which is due and payable to him has resulted in complete loss of livelihood. According to the learned counsel for the petitioner, the petitioner has also sent a representation to the respondent on 28.09.2021, but as there was no response from the respondents, he is forced to come up with the present writ petition.

5. When the matter is taken up hearing today, Mr. K.Sathishkumar, learned counsel appearing for the respondent would fairly submit that being a suspended employee, he is entitled to be paid subsistence allowance as admissible to him under the relevant rules. He would also submit that if any direction is issued, the same would be duly complied with by the respondent.

6. Taking note of the above factual narrative and submission made by the learned counsel and also considering the limited scope of the prayer in the writ petition, the following directions are issued.

The respondent is directed to sanction and pay the subsistence allowance to the petitioner as admissible under the rules. The respondent is directed to sanction the subsistence allowance within a period of one week from the date of receipt of a copy of this order and shall continue to pay the monthly subsistence allowance during the period of the petitioner's suspension.

7. The Writ Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi



To

The Deputy Collector/The District Manager,
Tamil Nadu State Marketing Corporation
Limited (TASMAC),
Perambalur District.

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+1cc to Mr.N.Balamuralikrishnan, Advocate, S.R.No.61436

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NK (CO)
PBS/07/12/2021