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W.P(MD)No.8991 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P(MD)No.8991 of 2021

and

W.M.P. (MD)No.6772 of 2021

R.Madhavan

... Petitioner

Vs.

1.The Principal District Judge,
Principal District Court,
Ramanathapuram.

2.The Judicial Magistrate No.1,
Judicial Magistrate Court No.1,
Ramanathapuram,
Ramanathapuram District.

3.The Medical Superintendent,
Government Head Quarters Hospital,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to revoke the order of suspension, dated 19.01.2021 in D.No.57 of 2021 and consequently to pay the subsistence allowance and pay the salary arrears.

For Petitioner
For Respondents

: Mr.M.Kannan
: Mr.N.Mohideen Basha
for R.1 and R.2
: Mr.R.Baskaran
Standing Counsel for Government
for R.3

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.M.Kannan, learned counsel appearing for the petitioner, Mr.N.Mohideen Basha, learned counsel, who accepts notice on behalf of the respondents 1 and 2 and Mr.R.Baskaran, learned Standing Counsel for the Government, who accepts notice for the third respondent.



2.The petitioner challenges an order of suspension, dated 19.01.2021. On the grounds raised in the Writ Petition, we cannot quash the order of suspension, as the order of suspension has been passed pending contemplation grave charges against the petitioner.

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3.The learned counsel appearing for the petitioner submitted that the petitioner has not been paid subsistence allowance. However, since papers have been served on Mr.N.Mohideen Basha, learned counsel for the respondents 1 and 2 only today, he does not have any instructions in the matter. In any event, we are not inclined to interfere with the impugned order of suspension, but to make an observation that in case of subsistence allowance is not been paid, appropriate orders be passed and the subsistence allowance be paid, including arrears if any and continue to be paid till the petitioner continues to be under suspension.

4.With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

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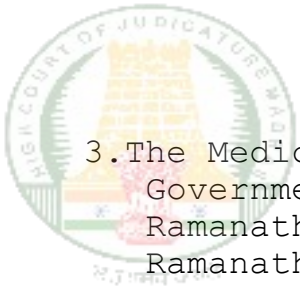
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Sub Assistant Registrar(CS)

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 Principal District Judge,
Principal District Court,
Ramanathapuram.
- 2.The Judicial Magistrate No.1,
Judicial Magistrate Court No.1,
Ramanathapuram,
Ramanathapuram District.



3.The Medical Superintendent,
Government Head Quarters Hospital,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.M.KANNAN, Advocate (SR-18715[F] dated 03/06/2021)

+1 CC to M/s.GP (SR-18648[F] dated 02/06/2021)

ORDER MADE IN
W.P (MD) No.8991 of 2021
DATED
01.06.2021

AS (11.06.2021) 3P 6C