



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM :

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.489 OF 2022

AND

WMP NO.532 OF 2022

P.Karthick

...Petitioner

Vs.

The Revenue Divisional Officer,
Hosur, Krishnagiri District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to dispose of the representation of the petitioner dated 15.11.2021 and pass orders.

For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.L.S.M.Hasam Fizal,
Addl.Govt.Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 15.11.2021.

2. Mr.L.S.M.Hasam Fizal, learned Additional Government Pleader takes notice for the respondent.

3. The case of the petitioner in brief:

The petitioner was appointed as Village Administrative officer through Tamil Nadu Public Service Commission on 24.02.2019 in Kodagarai Village, Anchetty Taluk. On the basis of a criminal complaint registered under Section 7(a) of the Prevention of Corruption Act, 1988 on 27.07.2021 against the petitioner, he was placed under suspension by the respondent vide order dated 28.07.2021. In the criminal complaint, till date, no final report filed and is still under investigation.

3.1. According to the petitioner, he is entitled to Subsistence Allowance and Dearness Allowance, as admissible under Rule 53(1) of the Fundamental Rules. But the respondent did not pay the same. The petitioner made a representation dated



15.11.2021 to the respondent to revoke the suspension order, however, the respondent has not considered it. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that, the petitioner is entitled for Subsistence Allowance during the suspension period and it is mandatory for the respondent to pay the same. Hence, he prayed to give a direction to the respondent to pay the Subsistence Allowance to the petitioner, within a time frame, as fixed by this court.

5. Heard the learned Counsel appearing for the petitioner and the learned Counsels appearing for the respondent and by consent of both the counsels, this writ petition is disposed of at the admission stage itself.

6. The petitioner is under suspension vide order dated 28.07.2021 by the respondent. Though the petitioner made a representation dated 15.11.2021 before the respondent to revoke the suspension order, the learned counsel appearing for the petitioner made a request before this court to give direction to the respondent to pay the subsistence allowance to the petitioner.

7. Considering the above submission, it is ordered as follows:

i) The petitioner is directed to make a representation before the respondent, seeking Subsistence Allowance, within a period of one week from the date of receipt of a copy of this order.

ii) On such representation being made by the petitioner, the respondent shall settle the Subsistence Allowance to the petitioner, in accordance with law, within a period of four weeks, from the date of receipt of the representation.

iii) In so far as the representation of the petitioner dated 15.11.2021 is concerned, the respondent is directed to consider the same and pass appropriate orders on its own merits, in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this court is not passing any positive direction for revocation of suspension order in favour of the petitioner.

8. With the above direction, this writ petition is disposed of. Consequently, connected writ miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

mst



To

The Revenue Divisional Officer,
Hosur, Krishnagiri District.

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+1cc to Mr.S.Vijayakumar, Advocate Sr.No.2980

+1cc to the Government Pleader Sr.No.3421

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KG(CO)
RVM(09/02/2022)