



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3711 of 2022

R.Vigneswaran

... Petitioner

vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai.

2.The Regional Deputy Commissioner (South),
Public Health Department, South Regional Office,
Adayar Greater Chennai Corporation,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.12.2021 requesting for enhancing the subsistence allowance from 50% to 75% to the petitioner with effect from 24.05.2021 onwards as per the Fundamental Rules.

For Petitioner : Mr.S.Mohanasundarajan

For Respondents : Mr.M.Ganesan
Standing Counsel

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.12.2021, and to enhancement the subsistence allowance from 50% to 75%, as per the Fundamental Rules.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.



3. The petitioner was working as a Sanitary Inspector in the office of Greater Chennai Corporation. He was trapped by the Vigilance Department and was arrested on 24.11.2020 in a case under Section 7A of the Prevention of Corruption Act and he was suspended from service on 24.11.2020. The petitioner was paid 50% Subsistence Allowance for six months. If the suspension period is continues for more than six months, as per Fundamental Rules 53(1), he is entitled for 75% allowances. Further, as of now, there is no progress in the complaint registered against the petitioner in the year 2020. The petitioner gave representations to the respondents to pay the subsistence allowance at the rate of 75%. But, it was not considered. Hence this writ petition.

4. The learned Standing Counsel appearing for respondents submitted that, the representation of the petitioner will be considered by the authorities concerned, in accordance with law and appropriate orders will be passe.

5. In view of the above submissions and considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass orders.

6. Accordingly, it is ordered as follows:

i) The second respondent is directed to consider the representation of the petitioner dated 02.12.2021 and pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

mst

To

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai.



2.The Regional Deputy Commissioner (South),
Public Health Department, South Regional Office,
Adayar Greater Chennai Corporation, Chennai.

+lcc to Mr.M.Ganesan, Advocate SR.No.12273

+lcc to Mr.Mohana Sundara Rajan, Advocate SR.No.12170

W.P.No.3711 of 2022

GPL(CO)
CB(15/03/2022)