



W.P.No.30407 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30407 of 2022

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P.Mahalakshmi

.. Petitioner

Vs.

1. The Deputy Director of Health Services,
Nagapattinam,
Nagapattinam District.

2. The Managing Director/Deputy Registrar,
Mayiladuthurai Consumers' Co-operative
Wholesale Stores Ltd., T.917,
No.5-B, Narayana Pillai Street,
Mayiladuthurai-609 001,
Mayiladuthurai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to disburse the subsistence allowance from the date of suspension order passed by the first respondent on 25.12.2014 together with arrears to the petitioner.

For petitioner : Mr.C.Prakasam

For respondents: Mr.Stalin Abhimanyu, Addl.G.P. for R-1

Mr.G.Ragavan Nayagam, Govt. Advocate for R-2



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ORDER

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This writ petition has been filed for a Mandamus to direct the respondents to disburse the subsistence allowance to the petitioner from the date of the suspension order, dated 25.12.2014, within a time frame to be fixed by this Court.

2. The petitioner's grievance in this Writ Petition is that even though she was suspended from service on 25.12.2014, till date, she has not been paid any subsistence allowance. Though a positive direction has been sought for in this Writ Petition, learned counsel for the petitioner submitted that the petitioner will be satisfied if her representation seeking for payment of subsistence allowance and for arrears, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

3. No prejudice would be caused to the respondents, if such a direction is issued by this Court. However, the petitioner will have to give a fresh representation to the respondents for payment of subsistence allowance and its arrears. The petitioner has also filed documents/proceedings in support of her case that she is entitled to get subsistence allowance and it is for the respondents to consider the same on merits and in accordance with law.

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4. Accordingly, this Court directs the petitioner to submit a fresh representation to the first respondent requesting for payment of subsistence allowance and arrears from the date of her suspension being 25.12.2014, within a period of one week from the date of receipt of a copy of this order and on receipt of the said representation, the first respondent shall pass final orders and dispose of the same on merits and in accordance with law, within a period of eight weeks thereafter.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

16.11.2022

Speaking Order: Yes/no

CS

To

1. The Deputy Director of Health Services,
Nagapattinam, Nagapattinam District.
2. The Managing Director/Deputy Registrar,
Mayiladuthurai Consumers' Co-operative
Wholesale Stores Ltd., T.917,
No.5-B, Narayana Pillai Street,
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ABDUL QUDDHOSE, J

CS

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