



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

WEB COPY

W.P. (MD)No.1607 of 2021

and

W.M.P(MD)Nos.1375 and 1376 of 2021

S.C.Ratheesh Kumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Municipal
Administration & Water Supply
Fort St.George, Chennai-600 009.

2.The Director of Town Panchayat,
Kuralagam, Chennai-600 108.

3.The District Collector,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001

4.The Assistant Director of Town Panchayats
Kanyakumari District at Nagercoil
Kanyakumari District-629 802

5.The Executive Officer,
Neyoor Town Panchayat
Kanyakumari District-629 802.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein pay subsistence allowance to the petitioner in the post of Motor Operator in the 5th respondent Panchayat w.e.f.,08.03.2014 till the revocation of suspension excluding the period in which the subsistence allowance is already paid and further direct the respondents to permit the petitioner to continue in service as Motor Operator in the 5th respondent Panchayat subject to the final outcome of the Criminal Case in S.C.No.44 of 2016 pending on the file of the Mahila Court, Nagercoil.

For Petitioner
For R1 to R4

: Mr.K.Ragatheesh Kumar
: Mr.A.K.Manikkam
Special Government Pleader
: Mr.M.Jeyakumar
Additional Government Pleader

For R5



ORDER

The relief sought for in the present writ petition is to direct the respondents to pay subsistence allowance to the petitioner in the post of Motor Operator in the fifth respondent Panchayat.

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2.The learned counsel for the petitioner made a submission that the petitioner was falsely implicated in a criminal case and consequently, he was placed under suspension. However, subsistence allowance has not been paid to the petitioner. Thus, the petitioner has made a representation to the authority competent to pay subsistence allowance, as per the rules, during the period of suspension.

3.The learned Special Government Pleader appearing for the respondents 1 to 4 made a submission that for sanctioning subsistence allowance, the petitioner has to produce all necessary certificates including the affidavit stating that the petitioner is not employed anywhere and he is residing in the headquarters, as per the order of the suspension. Only if those requirements are complied with, the authorities would be in a position to consider the case of the writ petitioner for grant of subsistence allowance.

4.The learned counsel for the petitioner made a submission that during the pendency of the writ petition, the petitioner sent all such documents to the competent authority. The competent authorities are bound to verify such documents and if the petitioner has already complied with the requirements for grant of subsistence allowance, then they are bound to sanction the subsistence allowance and disburse the same to the petitioner, during the period of suspension. The said exercise is directed to be done within a period of 8 weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

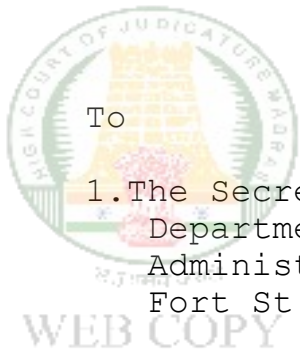
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Secretary,
Department of Municipal
Administration & Water Supply
Fort St.George, Chennai-600 009.
- 2.The Director of Town Panchayat,
Kuralagam, Chennai-600 108.
- 3.The District Collector,
Kanyakumari District at Nagercoil,
Kanyakumari District-629 001
- 4.The Assistant Director of Town Panchayats
Kanyakumari District at Nagercoil
Kanyakumari District-629 802
- 5.The Executive Officer,
Neyoor Town Panchayat
Kanyakumari District-629 802.

+1 CC to M/s.K. RAGATHEESH KUMAR, Advocate (SR-17408[F] dated
08/04/2022)

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CK (CO)
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