



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.3295 of 2022

S.Chandrasekar

... Petitioner

vs.

1.The Commissioner
Office of the Madurai Corporation
Thallakulam, Madurai

2.The Education Officer
Madurai Corporation
Thallakulam, Madurai

3.The Account Officer
Pay and Account Office
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents pay the subsistence allowance, last month salary, earned leave, unearned leave, PF, gratuity to the petitioner in accordance with law by consider the petitioner's representations dated 28.07.2021 and 02.02.2022.

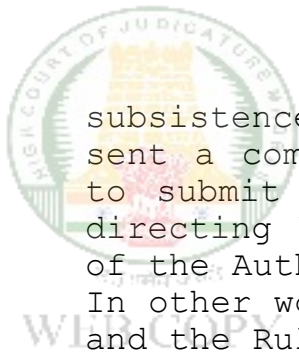
For Petitioner : Mr.Edin Brough.P.
For Respondents : Mr.K.K.Kannan

O R D E R

The relief sought for by the petitioner in this writ petition is to direct the respondents to pay subsistence allowance by considering his representations dated 28.07.2021 and 02.02.2022.

2. The petitioner is placed under suspension vide proceedings dated 30.11.2019. He is in continuous suspension. No doubt, prolonged suspension is not desirable. Departmental disciplinary proceedings are to be completed as expeditiously as possible. But, during the period of suspension, an employee is entitled for subsistence allowance in accordance with the Rules.

3. The learned counsel appearing for the respondents made a submission that the petitioner has not submitted the requisite certificate of non-employment for the purpose of sanctioning



subsistence allowance. In this regard, the second respondent has sent a communication to the petitioner on 04.01.2022 directing him to submit the required certificate of non-employment and further, directing him not to move out the Station without prior permission of the Authority concerned in compliance of the order of suspension. In other words, the conditions stipulated in the order of suspension and the Rules in force are to be complied with by the petitioner for the purpose of getting subsistence allowance.

4. This being the factum, the petitioner is at liberty to appear before the Authority concerned in person and submit all the required documents as well as undertaking that he will not leave the Headquarters without prior permission from the Authority Competent and on receipt of such required documents, the respondents shall grant subsistence allowance to the petitioner as per the Rules in force as expeditiously as possible.

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

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Krk
TO

1.The Commissioner
Office of the Madurai Corporation
Thallakulam, Madurai

2.The Education Officer
Madurai Corporation
Thallakulam, Madurai

3.The Account Officer
Pay and Account Office, Madurai

+1 CC to M/s.P.EDIN BROUGH, Advocate (SR-13366[F]

+1 CC to M/s.K.K.KANNAN, Advocate (SR-13573[F] dated 22/03/2022)

ORDER MADE IN
W.P. (MD) No.3295 of 2022
21.03.2022

PKP/28.03.2022/2P/6C

<https://hcservices.ecourts.gov.in/hcservices/>