



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.12900 of 2021

and

W.M.P (MD)No.9976 of 2021

S.Sathiya

:Petitioner

.vs.

1.The Director of Municipal Administration,
Santhome High Road, MRC Nagar,
R.A Puram, Chennai-600 028.

2.The Commissioner,
Kulithalai Municipality, Kulithalai,
Karuar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent dated 07.05.2021 vide his memo in Na.Ka.No.603/2021/C1 and consequently, directing the respondents to disburse the monthly subsistence allowance and arrears of the subsistence allowance from the date of suspension with all service and monetary benefits to the petitioner.

For Petitioner :Mr.J.Parekhkumar

For R1 :Mr.A.K.Manikkam

Special Government Pleader

For R2 :Mr.L.P.Maurya

O R D E R

The order dated 07.05.2021 rejecting the application submitted by the writ petitioner for payment of subsistence allowance, is under challenge in the present writ petition.

2.Admittedly, the petitioner was placed under suspension and he submitted an application for payment of subsistence allowance. The authorities during enquiry found that the petitioner is not staying in the headquarters and further not produce the necessary No Employment Certificate. The employee, who is under suspension, is entitled for subsistence allowance, only if he submits relevant



certificate establishing that he is not an employee in anywhere and further he is staying in the headquarters.

3.This being the condition for sanction of subsistence allowance. The authorities, in the present case, found that the petitioner is not residing in the headquarters. Further, the learned counsel for the petitioner made a submission that the petitioner was taking treatment and he is possessing medical records. If so, it is for the petitioner to submit all the documents before the competent authority for considering his claim for payment of subsistence allowance. If the petitioner has complied with the requirements, then, the payment of subsistence allowance is to be considered as per the rules in force.

4.With these observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Director of Municipal Administration,
Santhome High Road, MRC Nagar,
R.A Puram, Chennai-600 028.

+1 CC to M/s.L.P.MAURYA, Advocate (SR-14814[F] dated 28/03/2022)

+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-15008[F] dated 29/03/2022)

+1 CC to M/s.SPL GP (SR-14838[F] dated 28/03/2022)

ORDER MADE IN
W.P (MD) No.12900 of 2021
and
W.M.P (MD) No.9976 of 2021
25.03.2022

CK (CO)

GC (04.04.2022) 2P 5C