



WEB COPY



W.P.No.22546 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM :

THE HON'BLE Ms. JUSTICE R.N. MANJULA

W.P.No.22546 of 2021

and

W.M.P.Nos.23776 & 23774 of 2021

Dr. A. Swaminathan

... Petitioner

Versus

- 1.The Commissioner,
Greater Chennai Corporation,
Chennai – 3.
- 2.The Joint/Deputy Commissioner (Health),
Greater Chennai Corporation,
Chennai – 3.
- 3.Regional Deputy Commissioner,
Regional Office -(Central),
Pulla Avenue, Shenoy Nagar,
Chennai – 30.
- 4.Zonal Health Officers (Zone 6),
Zone-VI, Thiru.Vi.Ka. Nagar,
No.5, Anderson Salai,
Chennai – 23.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari Mandamus, to call for the records on the file of the 2nd respondents pertaining to their order vide Z.O.C.No.A3/SPL/2021, dated 29.04.2021 and quash the same and direct the respondents to put the petitioner service forthwith all benefits and back wages.



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For Petitioner : Mr.V. Rajendran
For Respondents : Mrs. Aswini Devi. K.
Standing Counsel.

ORDER

This Writ Petition has been filed seeking a direction to call for the order vide Z.O.C.No.A3/SPL/2021, dated 29.04.2021 passed by the second respondent and to quash the same and with a further direction to the respondents to put the petitioner in service forthwith all benefits and back wages.

2. The petitioner joined in Chennai Corporation Service as Veterinary Assistant Surgeon on 12.03.2014, and working in Zone VI (Thiru.Vi.Ka.Nagar). On 19.02.2020, the first respondent approved to appoint a group of 5 persons under the National Urban Livelihood Mission (for short 'NULM') Scheme. The Corporation of Chennai had passed resolution No.319, dated 26.02.2020, for the said appointment, for which, the Regional Deputy Commissioner (RDC, North) passed an Administrative Order on 15.08.2020, to give effect to the said resolution. On 20.10.2020, the petitioner selected five persons for the scheme, which was accepted by



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the Zonal Health Officer, but, the fourth respondent refused to approve it.

On 29.01.2021, the NULM scheme was extended for the financial year 2021-2022. Therefore, on 12.02.2021, the City Health Officer ordered the Zonal Officers to implement the said scheme. The Regional Deputy Commissioner (RDC, North) passed an Administrative Order to give effect to the said Resolution No.319, dated 20.04.2021. On 29.04.2021, the second respondent suspended the petitioner from service by the impugned order. However, no order has been served to the petitioner in person, but it was affixed on the Wall of his House on 29.04.2021, though he was in service on the said date. On 30.04.2021, the order was served to him by RPAD. The petitioner made representation dated 16.06.2021, to the first respondent to review the order of suspension issued against him. On the following dates 16.06.2021, 23.06.2021, 14.07.201 and 17.08.2021, the petitioner made further representations to the authorities, seeking subsistence allowance and salary for the Month of April 2021. Though, five months lapsed from the order of suspension, neither Charge Memo was served to the petitioner nor subsistence allowance was paid. Hence the petitioner has approached this Court by way of this writ petition with the above prayer.



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3.The learned counsel for the petitioner would submit that from the date of suspension order, no subsistence allowance was given so far. He further submitted that enquiry has not been conducted till date and no report has been filed. In spite of the order of suspension, more than 2½ years have passed, but no subsistence allowance has been paid till date.

4. The learned Standing Counsel for the respondents submitted that the enquiry proceedings are going on .

5. In view of the above submission made by the learned Standing Counsel for the respondents, this Writ Petition is dismissed and the respondents are directed to grant the subsistence allowance to the petitioner in accordance with the rules and the respondents are at liberty to proceed with the enquiry proceedings and upon completion of the same, pass orders in accordance with law. No costs. Consequently, the connected miscellaneous petitions are also closed.

15.11.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

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R.N. MANJULA, J.

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