



WEB COPY

W.P.No.24340 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24340 of 2023

and

W.M.P.No.23786 of 2023

M.C.Panneerselvam

....Petitioner

Vs

1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chintadripet,
Chennai-600 002.

2.The Deputy Director,
Training center,
Chennai Metropolitan Water Supply and
Sewerage Board,
Ayyanavaram,
Chennai-23

3.The Area Engineer,
Chennai Metropolitan Water Supply and
Sewerage Board, Area-10,
T.Nagar, Chennai-17.

....Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records to quash the proceedings dated 11.08.2023 Ka.No.Sekuva/Deputy Director/Training Centre Enquiry/1439/48/2023 on the file of 2nd respondent



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and direct the respondents to pay subsistence allowance for the Month of May 2023, June 2023 and July 2023 and continue to pay the subsistence allowance as per Chennai Metropolitan Water Supply and Sewerage Board Pay Regulations 1978.

For Petitioner : Mr.M.S.Soundararajan

For Respondents : Mr.Krishna Ravidran

ORDER

This Writ Petition has been filed challenging the notice dated 11.08.2023 for conducting enquiry on the ground that the petitioner was not paid subsistence allowance as per the Regulations.

2. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the materials available on record.

3. The petitioner had joined as Electrical Pumps Man in the Chennai Metro Water Supply and Sewerage Board on 30.04.1991. However, he was arrested on the allegation that he demanded a sum of Rs.15,000/- as bribe on 09.07.2009 from one Praballa Kumar, Kodambakkam, Chennai, pursuant to the registration of FIR for the offences punishable under Sections 7 and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988.



Subsequently, he was charge sheeted and the same has been taken cognizance in C.C.No.2 of 2011 on the file of the Principal Sessions and Special Judge on 06.11.2011. In the Trial Court, he was convicted and sentenced to undergo two years imprisonment.

4. Aggrieved by the same, the petitioner preferred an appeal before this Court and this Court suspended the sentence alone imposed by the Trial Court on the petitioner by an order dated 08.09.2022 in CrI.M.P.No.12493 of 2022 in CrI.A.No.894 of 2022. Thereafter, the second respondent issued a notice to conduct enquiry on the charges framed as against the petitioner. However, for the past three months he was not paid subsistence allowance. Admittedly, the petitioner was paid subsistence allowances even after conviction by the Criminal Court and only before three month he was not paid the subsistence allowance. On the ground of non-payment of subsistence allowance, now the petitioner challenges the notice issued for enquiry.

5. Considering the facts and circumstances of the case, the first respondent is directed to pay subsistence allowance as entitled to the petitioner in the Chennai Metropolitan Water Supply and Sewerage Board Pay Regulations 1978. The petitioner is also directed to co-operate for enquiry and



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the second respondent is directed to complete the enquiry within a period of eight weeks from the date of receipt of a copy of this order and the Disciplinary Authority is directed to pass final order within a period of four weeks, thereafter.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.08.2023

Internet : Yes
Index : Yes/No
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To
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G.K.ILANTHIRAIYAN, J.

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