



W.P.No.30445 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.30445 of 2022

Shivasankaran

... Petitioner

Vs.

1.The Managing Director,
Puducherry Road Transport Corporation Ltd.,
(A Government of Puducherry Undertaking)
Puducherry.

2.The General Manager,
Puducherry Road Transport Corporation Ltd.,
(A Government of Puducherry Undertaking)
Puducherry.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to revoke the order of suspension issued by the 2nd respondent in Proceedings No. 115 / PRTC / Admn / PF / 2005 / 498 dated 18.8.2021 by considering the representation of the petitioner dated 26.9.2022 and 3.10.2022.

For Petitioner : Mr.S.Selva Thirumagan

For R1 and R2 : Mr.A.R.Nixon



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ORDER

This writ petition has been filed challenging the order of suspension, dated 18.08.2021, passed by the 2nd respondent, against the petitioner.

2.It is the case of the petitioner that the petitioner was working under the respondent Corporation and on the basis of a criminal case registered against him in Crime No.108 of 2021, he was placed under suspension by the impugned order, with effect from 18.08.2021. According to the petitioner, he has been falsely implicated in the said criminal case and the *de facto* complainant herself has filed an affidavit before this Court in Crl.O.P.No.9498 of 2022, stating that she had wrongly filed the complaint against this petitioner, which statement has been recorded by this Court in its order dated 26.04.2022 in Crl.O.P.No.9498 of 2022. Therefore, the petitioner prays for revocation of suspension, as he is under prolonged suspension from the year 2021.

3.Heard the learned counsel appearing for the petitioner, who submitted that the petitioner has not been paid even the Subsistence

Allowance till now.

<https://www.mhc.tn.gov.in/judis>



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4.Heard Mr.A.R.Nixon, learned counsel, who takes notice for the respondents.

5.Considering the limited scope of relief sought for, this Court directs the respondents to consider the representations of the petitioner, dated 26.09.2022 and 03.10.2022, and take a decision on merits, within a period of one month from the date of receipt of a copy of this order. It is relevant to note that prolonged suspension will not serve any purpose. In fact, it may lead to loss to the exchequer by just paying Subsistence Allowance without extracting any work. This aspect shall also be taken into consideration while taking a decision on the representations of the petitioner on merits. Further, having regard to the fact that Subsistence Allowance has not been paid to the petitioner, there shall be a direction to the respondents to pay the Subsistence Allowance to the petitioner as per Rules, within a period of one month from the date of this order.



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6. With the above directions, this writ petition is disposed of. No

costs.

16.08.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Managing Director,
Puducherry Road Transport Corporation Ltd.,
(A Government of Puducherry Undertaking)
Puducherry.

2. The General Manager,
Puducherry Road Transport Corporation Ltd.,
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