



W.P.No.28387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.28387 of 2023
and W.M.P.No.27397 of 2023

S.Kasiramkumar

.. Petitioner

Versus

1. The Secretary
Tamil Nadu Public Service Commission
Chennai – 600 003

2.The Joint Secretary
(The Enquiry Officer – TNPSC Proceedings
No.142/PD-B2/2022)
Tamil Nadu Public Service Commission
Chennai – 600 003

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Tamil Nadu Public Service Commission Memorandum No.142/PD-B2/2022 dated 05.07.2022, quash the same and direct the respondents herein to revise/increase the petitioner's subsistence allowance to 75% as permissible by Rule 53(i)(a) of the Tamil Nadu Fundamental Rules.

For Petitioner

: Mr.Muthuchharan Sundresh

For Respondents

: Mr.I.Abrar Mohammed Abdullah

ORDER



W.P.No.28387 of 2023

This writ petition has been filed challenging the Commission's Memorandum No.142/PD-B2/2022 dated 05.07.2022, quash the same and direct the respondents herein to revise/increase the petitioner's subsistence allowance to 75% as permissible by Rule 53(i)(a) of the Tamil Nadu Fundamental Rules.

2. Though he is placed under suspension in the year 2018 and he has been been paid with only 50% of subsistence allowance and the same has to be paid at 75%, which has not been done so, as per the Rule 53(i)(a) of the Tamil Nadu Fundamental Rules. The learned counsel for the petitioner submitted that this Court in W.P.No.24334 of 2023 dated 12.09.2023 directed to conclude the enquiry within a period of six months from the date of receipt of a copy of that Order. Hence, accordingly the enquiry itself will be completed within a period of six months. Be that at it may, since, the petitioner is suspended from the year 2018, as per the Rule 53(i)(a) of the Tamil Nadu Fundamental Rules, he is entitled to revision of the subsistence allowance at 75%.

3. Such view of the matter, the respondent shall revise the subsistence



W.P.No.28387 of 2023

allowance as per Rules and pay to the petitioner within a period of one month from the date of receipt of a copy of this Order.

4. Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

27.09.2023

dhk

Internet: Yes/No

Index : Yes/No

Neutral Citation : Yes/No

To

1. The Secretary
Tamil Nadu Public Service Commission
Chennai – 600 003

2. The Joint Secretary
(The Enquiry Officer – TNPSC Proceedings
No.142/PD-B2/2022)
Tamil Nadu Public Service Commission
Chennai – 600 003

N. SATHISH KUMAR, J.



WEB COPY



W.P.No.28387 of 2023

dhk

W.P.No.28387 of 2023

27.09.2023