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W.P. No.563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.563 of 2023

N. Saravanakumar

.. Petitioner

VS.

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
The Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 600 009.

2. The Principal Secretary / Commissioner
of Commercial Taxes,
The Commercial Taxes and Registration Department,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3. The Joint Commissioner (ST),
Chennai (Central) Division,
Greams Road,
Chennai - 600 006.

4. The Deputy Commissioner (ST)
Zone V,
Greams Road,
Chennai - 600 006.



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5. The Assistant Commissioner (FAC)
Arumbakkam Assessment Circle,
No.F-50, 2nd Floor,
First Avenue,
Anna Nagar,
Chennai - 600 102.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse the Subsistence Allowance to the petitioner @ 75% of pay scale payable to the petitioner with due annual increment as on the date of his suspension with arrears since January 2022 by considering the petitioner's representations dated 26.04.2022 and 06.11.2022.

For Petitioner	:	Mr.S. Loganathan
For Respondents	:	Ms.K.Vasanthala Mala, Government Advocate.

ORDER

By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Ms.K.Vasanthala Mala, learned Government Advocate accepts notice for the respondents.

3. The grievance of the petitioner in this writ petition is that in view of the prolonged suspension, he is entitled for 75% of subsistence allowance. He was suspended from service on 23.07.2021. The petitioner



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has given representations on 26.04.2022 and 06.11.2022 seeking for enhancement of his subsistence allowance. Since the representations have not been considered, till date, he has filed this writ petition.

4. Heard Mr.S.Loganathan, learned counsel for the petitioner and Ms.K.Vasanthamala, learned Government Advocate for the respondents.

5. No prejudice would be caused to the respondents, if the petitioner's representations as stated supra are considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the 2nd and 4th respondents to pass final orders on merits and in accordance with law on the petitioner's representations, dated 26.04.2022 and 06.11.2022, seeking for enhancement of his subsistence allowance, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition is disposed of.
No costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
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ABDUL QUDDHOSE, J.

vsi2

To :

1. The Secretary to Government,
State of Tamil Nadu,
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Chennai - 600 009.

2. The Principal Secretary / Commissioner
of Commercial Taxes,
The Commercial Taxes and Registration Department,
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