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W.P.No.32777 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32777 of 2023

K.Tamilselvan

...Petitioner

Vs

1. The Chairman-cum-Manging Director
Tamil Nadu Housing Board
493, Anna Salai, Nandanam
Chennai – 600 035

2. The Secretary
Tamil Nadu Housing Board
CMDA Building Complex
E & G Market Road, Koyambedu
Chennai – 600 107

3. The Executive Engineer and Administrative Officer
J J Nagar Division
Tamil Nadu Housing Board
Chennai – 600 101

4. The Section Officer
Personnel (Technical Division)
Tamil Nadu Housing Board
Chennai – 600 035

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to release and pay the subsistence allowance amount due and payable to the petitioner commencing from 07.12.2018 onwards with accrued arrears thereon forthwith together with a reasonable rate of interest thereon as may be deemed fit and proper in the discretion of this Court in view of the facts and circumstances of the case.

For Petitioner : Mr.R.Natarajan

For Respondents : Mr.D.Veerasekaran
Standing Counsel

ORDER

The prayer sought for in this Writ Petition is to direct the respondents to release and pay the subsistence allowance amount due and payable to the petitioner commencing from 07.12.2018 onwards with accrued arrears thereon forthwith together with a reasonable rate of interest.

2.The learned counsel for the petitioner submitted that the petitioner had sent a legal notice to the respondents through his counsel seeking subsistence allowance. Since there is no response from the respondents, the present writ petition has been filed.



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3. This Court is of the view that such a claim requires to be considered by the respondents and this Court may not justified in stepping into the shoes of the respondents for considering the same. Nevertheless, if the petitioner is granted liberty to make a fresh representation ventilating his grievances with a consequential direction to the respondents to consider the same within a stipulated time, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the first respondent seeking for regularization and on receipt of the same, the first respondent is directed to consider it on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of the said representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

gpa

5. With the above direction, the Writ Petition stands disposed of. No

costs.

21.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

gpa

To

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