



W.P(MD)No.1984 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.1984 of 2022

R.Banumathy

... Petitioner

VS.

1.The Principal District Judge,
Principal District Court,
Ramanathapuram District.

2.The District Munsif cum Judicial Magistrate,
Munsif cum Judicial Magistrate Court,
Thiruvadanai,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to grant the subsistence allowance and Dearness allowance to the petitioner as per in the light of the order of the first respondent Order No.7539 of 2019, dated 27.11.2019.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.N.Tamilmani

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to grant the subsistence allowance and Dearness allowance to the petitioner, in the light of the order passed by the first respondent Order No.7539 of 2019, dated 27.11.2019.

2.According to the petitioner, she is entitled for payment of subsistence allowance during her suspension period from 01.11.2019 to 01.02.2020. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the respondents filed a counter affidavit and submitted that the petitioner stated her residential address at headquarter is Thiruvadanai, but she submitted a letter, dated 02.07.2020, which was also posted from Paramakudi Head Post Office and

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therefore, the petitioner has furnished the fake address of the headquarters and she is not actually residing at the headquarters ie., Thiruvadanai and therefore, the petitioner violates the suspension order, as per Rule 53(3) of the Fundamental Rules.

4.The learned counsel appearing for the petitioner refuted the allegation made in the counter-affidavit and submitted that an opportunity may be granted to the petitioner to place all the records before the respondents to show that the petitioner has been residing at Thiruvadanai, not at Paramakudi.

5.Considering the submissions made on either side, in order to give an opportunity to the petitioner, this Court directs the petitioner to make a representation along with necessary documents to the first respondent within a period of two weeks from the date of receipt of a copy of this order. In any such representation is made by the petitioner within the aforesaid period, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, for payment of subsistence allowance, at an earliest without any further delay.



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6.With the above directions, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [L.V.G.,J.]
20.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The Principal District Judge,
Principal District Court,
Ramanathapuram District.
- 2.The District Munsif cum Judicial Magistrate,
Munsif cum Judicial Magistrate Court,
Thiruvadanai,
Ramanathapuram District.



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D.KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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DATED : 20.02.2023