



W.P(MD)No.5415 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5415 of 2023
and
W.M.P(MD)Nos.5063 & 5065 of 2023

R.Praveen

... Petitioner

Vs

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Commissioner of Town Panchayat,
Nos.7 & 8th Floor, Town Administrative Office,
Raja Annamalai Puram,
Chennai – 600 028.
- 3.The Assistant Director of Town Panchayat,
O/o.the Assistant Director of Town Panchayat,
Trichy Zone,
Trichy District.
- 4.The Commissioner,
Pugalur Municipality,
Karur District.
- 5.The Executive Officer,
Keeranur Town Panchayat,
Pudukottai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent vide his proceedings in Roc.No. 196/2022/TP2 dated 22.04.2022 and the consequential impugned order issued by the first respondent vide his proceedings in Na.Ka.No.196/2022/Pae2 dated 15.11.2022 and quash the same as illegal.

For Petitioner : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.4

Mr.G.V.Vairam Santhosh
Special Government Pleader for R.5

ORDER

Heard the learned counsel on either side.

2.The petitioner questions the impugned order of suspension. The order is challenged on the grounds set out in the affidavit filed in support of the writ petition. Though they are quite persuasive, in view of their factual nature I decline to go into the said issue. The petitioner's grievances can very well be redressed by directing the first respondent to conclude the disciplinary proceedings and pass final order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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3.It is well settled that subsistence allowance payable to the suspended employee must be enhanced to 75% if the suspension continues beyond six months.

4.I therefore direct the respondents to enhance the petitioner's subsistence allowance to 75% from the current avail of 50% from 01.05.2023 onwards. If the petitioner is exonerated of the charges, he will be entitled to all the consequential benefits. With this direction to the respondents to conclude the enquiry within two months and direction to enhance the subsistence allowance to 75% from 01.05.2023, this writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. All the defenses of the petitioner are left open. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.04.2023

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

Note: Issue Order Copy on 26.04.2023.

To

1.The District Collector,
Pudukottai District,
Pudukottai.



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O/o.the Assistant Director of Town Panchayat,
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G.R.SWAMINATHAN, J.

MGA

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