



W.P(MD)No.7172 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7172 of 2023

N.Subramanian

... Petitioner

Vs.

1.The District Collector,
Thenkasi,
Thenkasi District.

2.The Revenue Divisional Officer,
Thenkasi, Thenkasi District.

3.The Tahsildhar,
Sankarankoil,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to pay the subsistence allowance at the rate of 75 percent of the last pay drawn from June, 2016 onwards and to disburse the entire arrears within the time framed fixed by this Court.



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For Petitioner : Mr.R.Niresh Kumar

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader.

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ORDER

Heard the learned counsel on either side.

2.The petitioner was working as Village Administrative Officer. When he was posted at Karivalamvandhanallur in Tenkasi District. He was implicated in vigilance case. Crime No.7 of 2013 was registered. He was placed under suspension on 13.10.2013. The petitioner reached the age of superannuation on 31.05.2016. Till then, he was getting subsistence allowance. Thereafter till date, the petitioner has not been paid subsistence allowance. The ground appears to be the non-conclusion of the criminal case. That led to the filling of this writ petition.

3.The approach of the respondents cannot be appreciated or accepted. It is true that the petitioner was implicated in a criminal case



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and that he was under suspension and that he was not allowed to retire when he reached the superannuation. But that is not a ground for denying him his legitimate dues. The petitioner may get acquitted in the criminal case and may retire from service. In the alternative, he may suffer conviction and he may be dismissed from service. Till then, the petitioner has to be necessarily paid his subsistence allowance. The payment should be computed as per the relevant rule. If the petitioner is in service, he would have received 75% of the salary as subsistence allowance. Therefore, the respondents are directed to pay the eligible subsistence allowance to the petitioner from the month of May 2023 onwards. The arrears shall be paid to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

4.This writ petition is allowed on these terms. No costs.

21.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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