



W.P(MD)No.13405 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13405 of 2023

and

W.M.P(MD)Nos.11312 & 11314 of 2023

V.Rajadurai

... Petitioner

Vs

The District Collector,
Thanjavur District,
Thanjavur.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the respondent in Na.Ka.No. 4927/2022/Ka.4 dated 11.08.2022 and to quash the same and consequently directing the respondent to review the order of suspension and to reinstate the petitioner into service in any non-sensitive post, with all consequential and other attendant benefits, including payment of arrears of Salary, within a time frame to be fixed by this Court.

For Petitioner : Mr.P.Deepak

For Respondent : Mr.T.Villavan Kothai
Additional Government Pleader



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondent.

2. The petitioner is holding the rank of Deputy Block Development Officer. He was implicated in a vigilance case and he was arrested and remanded to custody. He was suspended from service on 11.08.2022. The petitioner seeks review of the order of suspension and reinstatement.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to interfere in the matter and grant relief as prayed for.

4. I am not persuaded by the contentions of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Additional Government Pleader, suspension in this case was automatic. Since vigilance case is still pending, the question of reinstating the petitioner does not arise. The petitioner's case cannot be categorized as one of prolonged suspension. Hardly ten months have elapsed.



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5. I therefore decline to order reinstatement. The petitioner is however getting only 50% of salary as subsistence allowance. As per fundamental rules, if suspension continues beyond six months and the delinquent is not responsible for the delay in concluding the enquiry or investigation, there must be revision and enhancement of the subsistence allowance. I direct the respondent to revise and enhance the petitioner's subsistence allowance to 75% from the current 50%.

6. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.06.2023

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

To

The District Collector,
Thanjavur District,
Thanjavur.



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G.R.SWAMINATHAN, J.

MGA

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