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W.P.(MD)NO.13914 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13914 of 2023

N.Manonmani

... Petitioner

Vs.

1. The Director of Municipal Administration,
Raja Annamalaipuram,
Urban Administrative Building,
Chennai – 28.

2. The Commissioner,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai – 2.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to provide subsistence allowance for the period from July 2022 to May 2023 and provisional pension to the petitioner by considering the representation of the petitioner dated 03.06.2023 within the time period stipulated by this Court.

For Petitioner	: Mr.T.Aswin Rajasimman, for M/s.Lajapathi Roy and Associates.
For R-1	: Mr.G.Suriyananth, Additional Government Pleader.
For R-2	: Mrs.S.Devasena, Standing Counsel.

* * *



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ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as Community Organizer. She was implicated in a vigilance case in the year 2014. She was placed under suspension. She reached the age of superannuation on 31.05.2023. She was not allowed to retire. The first respondent vide proceedings dated 30.05.2023 had directed that the petitioner will be retained in service till the pending vigilance case is concluded and final order is passed by the competent authority.

3. It is well settled that in such cases, the petitioner must be paid provisional pension. The grievance of the petitioner is that the petitioner is not being paid any provisional pension. It is further stated that from July 2022, she has not been paid Subsistence Allowance also. This is clearly illegal.

4. I therefore direct the first respondent to ensure that arrears of Subsistence Allowance are disbursed and also the petitioner is paid provisional pension till the issue attains finality.



WEB COPY 5. This writ petition stands allowed. No costs.

14.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Director of Municipal Administration,
Raja Annamalaipuram,
Urban Administrative Building,
Chennai – 28.
2. The Commissioner,
Madurai Corporation,
Aringar Anna Maaligai,
Madurai – 2.



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G.R.SWAMINATHAN,J.

PMU

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