



**W.P.(MD)No.21279 of 2021**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 28.11.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD)No.21279 of 2021**

K.Ravichandran

... Petitioner

**Vs.**

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

2.The Judicial Magistrate,  
Munsif Cum Judicial Magistrate Court,  
Rameshwaram, Ramanathapuram District.

...Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to grant the subsistence allowance and dearness allowance to the petitioner in the light of the order of the 1<sup>st</sup> respondent in Order No.A1.No.50/2020, dated 30.04.2020.

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

For Respondents : Mr.N.Mohideen Basha



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## **ORDER**

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Writ on hand has been instituted to direct the 2<sup>nd</sup> respondent to grant subsistence allowance and dearness allowance to the writ petitioner as per the order of the 1<sup>st</sup> respondent dated 30.04.2020.

2.The writ petitioner was appointed as Copy Typist in Judicial Magistrate Court No.I at Ramanathapuram and subsequently, promoted to the post of Typist and Bench Clerk. On account of certain allegations regarding the forged signatures in the birth and death certificates, criminal case was registered against the writ petitioner in Crime No.10 of 2013 under Sections 260, 466, 468, 471 and 420 IPC. The said case was taken on file as C.C.No.158 of 2017 and the same is now pending on the file of the Judicial Magistrate Court No.II, Ramanathapuram.

3.The grievance of the writ petitioner is that subsistence allowance as applicable under the Rules is yet to be disbursed and therefore, his livelihood is affected.



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4.The learned counsel appearing for the petitioner mainly contended that on account of family circumstances, the petitioner shifted his residence from Rameshwaram to Ramanathapuram and the said fact was intimated to the competent authorities. Despite the fact that the petitioner informed about his residential address, no action was taken to pay subsistence allowance as admissible under the Rules.

5.It is not in dispute that the petitioner is under suspension on account of initiation of departmental disciplinary proceedings and due to pendency of the criminal case before the competent criminal Court. However, the petitioner is entitled for subsistence allowance not exceeding the provisional pension as admissible under the Rules. The petitioner attained the age of superannuation, but not allowed to retire from service and therefore, the subsistence allowance is to be calculated not exceeding the provisional pension as admissible under the Rules and to be disbursed on monthly basis as per the Rules in force.

6.The learned counsel appearing for the respondents raised an objection by stating that the petitioner failed to produce necessary certificates as per the



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Rules in force. Thus, the authorities are not in a position to claim and disburse subsistence allowance due to the writ petitioner.

7.In the affidavit filed in support of the present Writ Petition, the petitioner has stated that he is residing at No.1, Sannathi Street, Ramanathapuram Taluk and District. Therefore, the petitioner is at liberty to submit the present residential address and other details to the competent authorities along with no employment certificate as required under the Rules within a period of one week from today (28.11.2023). The respondents shall disburse the subsistence allowance as admissible under the Rules to the writ petitioner within a period of two weeks from the date of receipt of the application and certificates from the writ petitioner.

8.Even in case the petitioner states that he is residing in Ramanathapuram, the same shall not be considered as a bar to pay subsistence allowance and the said address may be considered as his address for all purposes to conduct enquiry, serve notice or otherwise. Accordingly, the respondents are directed to settle the subsistence allowance due to the writ petitioner within a period of three weeks from the date of receipt of a copy of this order.



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9. With the above direction, this Writ Petition stands allowed. No costs.

**(S.M.S., J.) & (V.L.N., J.)**

**28.11.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

*Yuva*

To

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

2. The Judicial Magistrate,  
Munsif Cum Judicial Magistrate Court,  
Rameshwaram, Ramanathapuram District.



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**AND**

**V.LAKSHMINARAYANAN, J.**

*Yuva*

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