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W.P.No.9882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.9882 of 2022 and
WMP.Nos.9595, 9597 & 9599 of 2022

R.Vigneswaran

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai
2.The Regional Deputy Commissioner – South
Greater Chennai Corporation,
115 Dr. Muthulakshmi Salai,
Adyar, Chennai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in RDC-C-No-A3/567/2021 dated 31.03.2022, quash the same, and consequently direct the second respondent to increase and to pay the subsistence allowances from 50% to 75% from 24th May, 2021 onwards to the petitioner within a time stipulated by this Court until the order of suspension dated 24.11.2020 is revoked.

For Petitioner : Mr.S.Mohanasundarajan

For Respondents : Mr.S.Gopinathan,
Standing Counsel



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ORDER

This writ petition has been filed challenging the order dated 31.03.2022, thereby rejected the request made by the petitioner to pay subsistence allowance from 50% to 75%.

2. The petitioner while he was working as Sanitary Inspector in the Office of the second respondent, involved in a criminal case in crime No.7/AC/2020 /CC1 for the offence under Section 7(a) of Prevention of Corruption Act alleging that he demanded bribe for a sum of Rs.5,000/- for clearing the bills for burial of dead bodies executed at Injambakkam Gasifier Burial Ground. On the complaint, he was trapped and arrested on 24.11.2020. Therefore, he was deemed to be suspended from 24.11.2020. He was issued suspension order on 02.12.2020 thereby suspended him from service with effect from 24.11.2020. He was paid 50% subsistence allowance as per the Fundamental Rules. After completion of six months, he submitted representation to pay subsistence to the tune of 75% as per Fundamental Rule 53(1). However, his request was rejected on the ground that he already incurred punishment on two



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occasions and once again, he involved in a bribery case. Therefore, the period of suspension has to be treated as 'no pay without any work'.

3. Since the investigation is still pending on the file of the Vigilance and Anti-Corruption Wing, therefore the respondents could not complete the disciplinary proceedings as against the petitioner. When it being so, the respondents are directed to revisit the order of suspension on the ground of delay and pass appropriate orders. The respondents are also directed to complete the disciplinary proceedings within a period of three months from the date of receipt of copy of this order.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

24.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Commissioner,
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- 2.The Regional Deputy Commissioner – South
Greater Chennai Corporation,
115 Dr. Muthulakshmi Salai,
Adyar, Chennai

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