



W.P.No.9294 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9294 of 2024

S.Ganesan

.. **Petitioner**

Vs.

1.The Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai – 600 003.

2.The Joint Commissioner
Greater Chennai Corporation
Ripon Buildings
Chennai – 600 003.

3.The Zonal Officer
Zone – V
Greater Chennai Corporation
Chidambaram Nagar
Basin Bridge
Chennai.

.. **Respondents**

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents to pay the subsistence allowance and dearness allowance every month from March 2021 to till date and continue to pay the same till the date when the petitioner rejoins the



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duty as Conservative Inspector under the respondent Corporation, considering the petitioner's representations dated 29.02.2024 and 18.03.2024.

For the Petitioner : Ms.R.Geetha

For the Respondents : Ms.S.Vanitha Joice Rani
Standing Counsel

ORDER

The prayer in the Writ Petition is for a direction to the respondents to pay the Subsistence Allowance along with Dearness Allowance, every month from March 2021 and continue to pay the same till the date when the petitioner rejoins the duty as Conservative Inspector under the respondent – Corporation.

2. It can be seen from the records that the petitioner was suspended from service by an order dated 21.01.2010. It is not in dispute that the petitioner continues in suspension. So long as the petitioner is in suspension, the respondents cannot deny the payment of subsistence allowance, even if the petitioner attains the age of superannuation. It is for the respondents to take appropriate decision on the disciplinary proceedings



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or conclude the same. However, when the suspension is kept pending, the subsistence allowance has to be paid as per the rules.

3. The learned Standing Counsel appearing on behalf of the respondents submits that the subsistence allowance will be paid to the petitioner within a period of 16 weeks from the date of receipt of a copy of this order.

4. Recording the same, this Writ Petition is disposed of with a direction to the respondents to calculate and disburse the pending subsistence allowance from March 2021 till date and also continue to pay the subsistence allowance at the rates as may be applicable. The entire arrears shall be paid within a period of 16 weeks from the date of receipt of a copy of this order. No costs.

16.04.2024

Index : Yes
Neutral Citation : No
Speaking order : Yes

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D.BHARATHA CHAKRAVARTHY, J.

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To

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Chennai – 600 003.
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