



W.P.No.17364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.17364 of 2024
and
W.M.P.No.19135 of 2024

E.Rajkumar

... Petitioner

Vs.

The Registrar General,
High Court, Madras.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records pertaining to the Official Memorandum in Roc.No.13/2023- Con.Esst.II, dated 12.10.2023, passed by the respondent and quash the same and consequently directing the respondent to sanction the subsistence allowance with arrears with effect from 12.03.2023 within a time frame.

For Petitioner : Mr.J.Nagarajan

For Respondent : Mr.Chandran Sundar Sashikumar

Page No.1 of 5



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W.P.No.17364 of 2024

ORDER

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

The order of rejection dated 12.10.2023, rejecting the claim of the writ petitioner for payment of subsistence allowance is under challenge in the present writ petition.

2. The petitioner was appointed as Office Assistant and subsequently, promoted to the post of Driver. Admittedly, a criminal case was registered against the petitioner on the file of Cyber Crime Police Station, Kanniyakumari District u/s. 354 A(1)(i), 354 A (1)(ii), 354 A(1)(iv), 506 (1) IPC, 66E, 67, 67A IT Act & 4 of TNPHW Act.

3. Consequently, the petitioner was placed under deemed suspension, since he was arrested by the Police. The order of suspension issued by the High Court reveals that the Headquarters of the petitioner is at Chennai. Therefore, the petitioner should reside at Chennai during the



W.P.No.17364 of 2024

pendency of the departmental disciplinary proceedings. A Charge Memorandum has already been issued to the petitioner. Therefore, the Disciplinary Authority has to proceed with the departmental disciplinary proceedings. It is brought to the notice of this Court that the criminal trial is also in progress. Both the proceedings are to be continued and disposed of as expeditiously as possible. As far as the subsistence allowance is concerned, the petitioner has to reside at Chennai and produce all necessary certificates/undertakings to the Registry enabling the administration to process the application and to pay subsistence allowance in accordance with the Rules in force. No doubt, the petitioner is entitled to receive subsistence allowance during the period of suspension. However, he is bound to comply with the conditions stipulated under the Rules. Thus, the petitioner is at liberty to comply with the Rules and claim subsistence allowance. In the event of submitting an application by following the due process, it is to be considered by the respondent in accordance with the Rules in force.



W.P.No.17364 of 2024

4. Accordingly, the Writ Petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [C.K., J.]

22.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

The Registrar General,
High Court, Madras.



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W.P.No.17364 of 2024

S.M.SUBRAMANIAM, J.
AND
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Order in
W.P.No.17364 of 2024

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