



WEB COPY



W.P.No.19848 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.19848 of 2020

S.Senthilkumar

...

Petitioner

/vs/

1. The Chairman and Managing Director,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.

2. The Executive / Engineer
Distribution / Palladam,
Tiruppur Electricity Distribution Circle,
TANGEDCO, Palladam,
Tiruppur District.

3. The Assistant Engineer
Distribution / Palladam,
Tiruppur Electricity Distribution Circle,
TANGEDCO, Palladam,
Tiruppur District.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the Respondents to pay the subsistence allowance to the petitioner from the date of suspension dated 27.06.2014 in accordance with law and also direct the respondents to continue to pay the subsistence allowance to the petitioner as long as the petitioner is kept under suspension.

For Petitioner ... Mr.S.Selvathirumurugan

For Respondents ... Mr.K.Rajkumar
Standing Counsel for TNEB

ORDER

The petitioner who was kept under suspension from 27.06.2014 has filed this Writ Petition seeking writ of mandamus directing the respondents to pay subsistence allowance from the date of suspension.

2. In fact the respondent has passed an order on 18.09.2015 by rejecting the subsistence allowance but that order has not been challenged so far. However the learned counsel for the respondents submitted that the respondent's regulation will stipulate that an employee who is under suspension is under an obligation to furnish a certificate that he is not engaged in any other employment.

3. The learned counsel for the petitioner submitted that the petitioner



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has been sending repeated representations along with proof to show that he is not employed anywhere. However, it is submitted by the learned counsel for the respondent that the petitioner has to produce the certificates to show that he has not gone anywhere outside from the place he was originally employed.

4. The order dated 18.09.2015 does not speak about all these grounds but it simply states that since the criminal proceedings are pending against the petitioner and that his request for subsistence allowance cannot be considered. Unfortunately the said order was not challenged.

5. However, the petitioner is at liberty to give a fresh representation to the respondents and the respondents shall consider the same in accordance with the existing regulations and pass appropriate orders, within a period of four weeks.

6. With the above observations, this Writ Petition is disposed. No costs.



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Index: Yes / No
Speaking order / Non-speaking order
bkn



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To:

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R.N.MANJULA ,J.

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