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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.24151 of 2024

Dr.S.Subbiah

... Petitioner

Vs.

1.The State of Tamil Nadu rep.
by its Secretary to Government,
Health and family Welfare (A-1) Department,
Fort St. George, Chennai – 600 009.

2.The Director of Medical Education,
Kilpauk, Chennai – 600 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay subsistence allowance and dearness allowances as per Paragraph 2 of the order of suspension issued by the first respondent in G.O.(D) No.649 Health and Family Welfare (I-1) Department dated 24.6.2024 forthwith.

For Petitioner : Mr.S.Selva Thirumurugan

For Respondents : Mr.M.Bindran
Additional Government Pleader



ORDER

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This writ petition was filed for the issue of writ of mandamus directing the respondents to pay the subsistence allowance and other service benefits to the petitioner as per the suspension order issued by the 1st respondent dated 24.06.2024.

2. When the matter came up for hearing on 22.08.2024, this Court directed the learned Additional Government Pleader to take notice and to get instructions.

3. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that the Dean of Kilpauk Medical College through proceedings dated 02.09.2024 has accorded sanction for payment of subsistence allowance. This amount is calculated for the period from 25.06.2024 to 31.08.2024. The learned counsel for the petitioner further submitted that separate proceedings were issued by the Dean dated 04.09.2024, wherein, it was informed to the petitioner that the entire salary for the month of June 2024 has already been claimed and disbursed to the petitioner. Therefore, a sum of Rs.79,590/- has been directed to be remitted by the petitioner in order to enable the claim for subsistence allowance.



4.The learned Additional Government Pleader appearing on behalf of the respondents submitted that the claim made by the petitioner was considered and the Dean of Kilpauk Medical College has issued proceedings dated 02.09.2024. Thereby, a total sum of Rs.1,29,950/- has been sanctioned for the period from 25.06.2024 to 31.08.2024.

5.In the light of the above submission, the sanction made by the Dean of Kilpauk Medical College dated 02.09.2024 is taken note of. The direction given to the petitioner to remit a sum of Rs.79,590/- cannot be faulted, since this is an excess amount which was paid towards salary for the entire month of June 2024. Hence, it is left open to the petitioner to remit this amount and claim for the subsistence allowance.

6.This writ petition is disposed of in the above terms. No Costs.

05.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

SSR

To

- 1.The Secretary to Government,
State of Tamil Nadu
Health and family Welfare (A-1) Department,
Fort St. George, Chennai – 600 009.
- 2.The Director of Medical Education,
Kilpauk, Chennai – 600 010.

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