



WEB COPY



Writ Petition No.29964 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.29964 of 2024

A.Saleem

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its
Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai - 600 009.

2.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.

3.The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai - 609 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to sanction and disburse the subsistence allowance from 01.06.2024 under Rule 53(1)(a) of the Tamil Nadu Fundamental Rules, 1922 and also to sanction and settle the personal savings of General Provident Fund (Final Payment), Special Provident Fund and Encashment of Earned



Writ Petition No.29964 of 2024

Leave/Private Affairs with interest in the light of the orders already passed by the Hon'ble Supreme Court in the case of S.K.Dua v. State of Haryana [(2008) 3 SCC 44] within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan
For Respondents : Dr.T.Seenivasan,
Special Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to sanction and disburse the personal savings of the petitioner under General Provident Fund, Special Provident Fund, Encashment of earned and unearned leave on private affairs and also to disburse the subsistence allowance to the petitioner from 01.06.2024.

2. Heard Mr.T.Ranganathan, learned counsel for petitioner and Dr.T.Seenivasan, learned Special Government Pleader appearing for respondents.

3. The case of the petitioner is that he was working as an Electrical Superintendent Grade-I in the third respondent Municipality.



Writ Petition No.29964 of 2024

The petitioner was about to attain the age of superannuation on 31.05.2024. However, the second respondent passed an order placing the petitioner under suspension on 30.05.2024 and the petitioner was not allowed to retire from service.

4. The further case of the petitioner is that the second respondent has already issued a charge memo on 04.03.2024 for the alleged misconduct committed by the petitioner relating to Thanjavur Municipality during the year 2011-12.

5. The grievance of the petitioner is that the petitioner has not been sanctioned subsistence allowance even though he was placed under suspension on 30.05.2024. That apart, the petitioner has not been disbursed with the General Provident Fund, Special Provident Fund *etc.* The representations made by the petitioner in this regard to the respondents also did not evoke any response. It is under these circumstances, the present writ petition has been filed before this Court.

6. In the considered view of this Court, irrespective of the final result of the disciplinary proceedings that have been initiated against the



Writ Petition No.29964 of 2024

petitioner, the petitioner has a right to receive the amount towards General Provident Fund, Special Provident Fund, Encashment of earned/unearned leave *etc.* The law on this issue is now too well-settled and useful reference can be made to the judgment of the Division Bench of this Court in ***The Secretary to Government, Revenue Department, Secretariat & Others Versus K. Palaniyandi [(2019) 5 CTC 19]***. That apart, the petitioner has not been allowed to retire from service and he has been placed under suspension pending the disciplinary proceedings. In view of the same, the petitioner is entitled to receive the subsistence allowance through out.

7. In the light of the above discussion, there shall be a direction to the second respondent to sanction the subsistence allowance to the petitioner from 01.06.2024 and pay the arrears of subsistence allowance within a period of four (4) weeks from the date of receipt of a copy of this order. The second respondent shall also continue to pay the subsistence allowance to the petitioner every month till the completion of the disciplinary proceedings. That apart, the amounts that are payable to the petitioner towards General Provident Fund, Special Provident Fund and encashment of earned leave on private affairs shall also be paid to the



Writ Petition No.29964 of 2024

petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

This writ petition is disposed of with the above direction. No costs.

17.10.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

To

- 1.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai - 600 009.
- 2.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai - 600 028.
- 3.The Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai - 609 001.



WEB COPY



Writ Petition No.29964 of 2024

N.ANAND VENKATESH, J
gm

Writ Petition No.29964 of 2024

17.10.2024