



WEB COPY



W.P.No.254 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.254 of 2023
and
W.M.P.Nos.240 & 245 of 2023

N.Ganesan

... Petitioner

Vs.

The Additional District Munsif,
Office of the Additional District Munsif,
Tiruchengode, Namakkal.

... Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the record of the impugned order passed by the respondent in his proceedings in Office Order No.11/2018 dated 09.09.2018 and quash the same.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.M.Kemp Raj



W.P.No.254 of 2023

ORDER

WEB COPY

(Order of the Court was delivered by S.M.Subramaniam J.)

The order impugned, rejecting the claim of the writ petitioner to sanction conveyance allowance during his suspension period, has come to be challenged in the present writ petition.

2. The petitioner served as Typist in the Judicial Department. A criminal case was registered against him, in Crime No.501 of 2001 at the instance of his wife. The petitioner was placed under suspension during the period from 2001 to 2004. Subsequently, the order of suspension was revoked and he was reinstated in service and thereafter, he was allowed to retire from service on 31.03.2018.

3. The period of suspension was regulated as duty and the petitioner has already received all the terminal and pensionary benefits due to him. The petitioner submitted a representation to sanction conveyance allowance during the period when he was under suspension. The respondent rejected the claim of the petitioner in proceeding dated 09.08.2018, stating that as per the G.O. No.667, Finance (Pay Commission) Department, dated 27.06.1989, the conveyance allowance is



W.P.No.254 of 2023

not payable during leave (except casual leave), joining time or suspension.

During the period of suspension, the suspended employee is not eligible to draw conveyance allowance. A suspended employee has to reside in the headquarters as per the order of suspension and therefore, question of grant of conveyance allowance would not arise at all.

4.The learned counsel for the respondent made a submission that the conveyance allowance, which was mistakenly paid to the petitioner was recovered and the period of suspension was already regulated as duty. Except the said conveyance allowance, all other benefits due to the petitioner have already been settled.

5. Therefore, we find no reason to interfere with the order impugned. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

01.03.2024

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



WEB COPY



W.P.No.254 of 2023

S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

To

The Additional District Munsif,
Office of the Additional District Munsif,
Tiruchengode, Namakkal.

W.P.No.254 of 2023

01.03.2024