



WP(MD) No.14124 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **01.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14124 of 2024

and

W.M.P.(MD)Nos.12400 and 12401 of 2024

M.Seenivasagam

... Petitioner

Vs.

1.The Chief Engineer,
Tamil Nadu Water Supply
and Drainage Board,
Madurai.

2.The Administrative Engineer,
Tamil Nadu Water Supply
and Drainage Board,
Scheme and Maintenance Division,
18C, Rayarthoppy,
Courtalam, Tenkasi.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order passed by the first respondent dated 17.05.2023 under reference Proc.No.17523/A6/VC/2023/CE(MDU) and quash the same as devoid of merits forthwith.

For Petitioner : Mr.S.Palnivelayutham
For Respondents : Mr.R.Satheesh
Standing Counsel



WP(MD) No.14124 of 2024

ORDER

WEB COPY

The petitioner has filed this writ petition challenging the order passed by the first respondent dated 17.05.2023 under reference Proc.No.17523/A6/VC/2023/CE(MDU).

2.Heard Mr.S.Palanivelayutham, learned counsel for the petitioner, Mr.R.Satheesh, learned Standing Counsel for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The petitioner is working as a Superintendent in the second respondent Office. He was placed under suspension on 17.05.2023 on the allegation that he had demanded a sum of Rs.10,000/- as bribe from the contractual employee of his Board for sending the bills to the authorities concerned. Challenging the same, the petitioner has filed this writ petition.

5.The learned counsel for the petitioner submitted that the petitioner was placed under suspension as early as on 17.05.2023. Even



WP(MD) No.14124 of 2024

after a lapse of one year, the proceedings initiated against him has not been completed and the order of suspension has not been revoked. He also submitted that the petitioner has not been paid with enhanced subsistence allowance under the principle contained in FR 53-1.

6.The learned counsel for the petitioner further submitted that on the same set of facts, a case in Crime No.2 of 2023 has been registered on the file of the Vigilance and Anti Corruption on 16.05.2023 and the same is also pending without any progress.

7.The learned Standing Counsel for the respondents submitted that the petitioner has been given with charges and enquiry on the same has been completed on 03.04.2024 and it is pending for final orders.

8.It is learnt from the submissions made above that the proceedings initiated against the petitioner has been completed and it is pending for passing final orders. Hence, I feel it appropriate to direct the respondents to pass orders on the proceedings initiated against the petitioner within a period of two weeks from the date of receipt of a copy of this order.



WP(MD) No.14124 of 2024

9.Insofar as the payment of enhanced subsistence allowance is concerned, there could not be any reason for withholding the subsistence allowance to be paid to an employee, who is under suspension. Under the principle contained in FR 53-1, the petitioner/employee is entitled to get the subsistence allowance till the suspension is revoked and the respondents are bound to release the subsistence allowance in accordance with the Rules. Accordingly, the respondents are hereby directed to release the subsistence allowance to be payable to the petitioner forthwith.

10.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
ta



WP(MD) No.14124 of 2024

To

1. The Chief Engineer,
Tamil Nadu Water Supply
and Drainage Board,
Madurai.
2. The Administrative Engineer,
Tamil Nadu Water Supply
and Drainage Board,
Scheme and Maintenance Division,
18C, Rayarthoppy,
Courtalam, Tenkasi.



WEB COPY



WP(MD) No.14124 of 2024

R.N.MANJULA, J.

ta

W.P.(MD)No.14124 of 2024

01.07.2024