



WP(MD)No.21296 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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C.Ponraj

... Petitioner

Vs

**1.The District Collector,
Theni District,
Theni.**

**2.The Commissioner of Panchayat Union,
Theni Panchayat,
Theni.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records relating to the impugned proceedings passed by the 1st respondent vide Na.Ka.No. 37937/2012/VU.VA.6, dated 07.01.2022 and to quash the same as illegal and consequently direct the respondent to provide compassionate allowance as per Section 40 of the Tamil Nadu Pension Rules, 1978 in favour of the petitioner.

For Petitioner : Mr.M.Sankar

For Respondent : Mr.G.V.Vairam Santhosh,

Additional Government Pleader



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ORDER

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The petitioner has challenged the order of dismissal from service passed by the District Collector / 1st respondent.

2. When this writ petition is taken up for hearing, it is submitted that as against the order of dismissal from service, the petitioner is having an appeal remedy under Rule 8(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. However without exhausting the appeal remedy, the petitioner has filed this writ petition.

3. The learned Counsel for the petitioner has taken a plea that the petitioner was not paid with the subsistence allowance for the suspension period from 18.03.2021 to 07.01.2022.

4. This Court considered the rival submissions.

5. Since the petitioner is having an appeal remedy as against the impugned order, he shall work out his remedy under Rule 8(a) of the



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Tamil Nadu Civil Services (Discipline and Appeal) Rules. If the petitioner is entitled for the subsistence allowance for the aforesaid period, the same shall be considered by the respondents in accordance with the Tamil Nadu Payment of Subsistence Allowance Act.

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

26.11.2024

Internet : Yes / No

DSK

To

The Commissioner,
Sivagangai Municipality,
Sivagangai.



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B.PUGALENDHI.J.,

DSK

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