



W.P.(MD)No.31203 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.31203 of 2024

R.Manikandan

... Petitioner

-VS-

The Assistant Director,
Survey and Land Records,
Collectorate Building,
Theni District-625 561.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direction in the nature of writ and directed the respondent to grant 75% of suspension allowance as provided under Rule 53(1)(a)(i) of fundamental rules from the date of completion of 6 months of suspension in the light of the petitioner's representation dated 27.11.2024.

For Petitioner

: Mr.S.Tittus

For Respondent

: Mr.A.Baskaran

Additional Government Pleader



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ORDER

The instant writ petition has been filed by a Deputy Surveyor working the respondent office seeking a mandamus for enhancement of subsistence allowance from 50% to 75%.

2. The petitioner was issued with a charge memo on 31.05.2023, under rule 17(b) of TamilNadu Civil Services (Discipline and Appeal) Rules. The petitioner has submitted his explanation on 27.11.2024. It is further submitted that, an enquiry officer has been appointed on 06.12.2024, and so far the enquiry has not been completed. There is no allegation as against the writ petitioner that, he is protracting the enquiry proceedings. In view of Proviso 53(1)(a)(i) of Fundamental Rules, the petitioner will be entitle to receive 75% of subsistence allowance, if the enquiry could not be completed within a period of six months. There is no delay on the part of the delinquent. Admittedly, in the present case, the enquiry could not be completed within a period of six months and therefore, the petitioner would entitle to get enhanced subsistence allowance from 50% to 75%.



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3. In view of the above said deliberations, the respondent herein is directed to release 75% of subsistence allowance to the writ petitioner with effect from 01.12.2023 onwards.

4. With the above said observations, this writ petition is disposed of.

No costs.

20.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn

To

The Assistant Director,
Survey and Land Records,
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R.VIJAYAKUMAR,J.

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