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W.P.No.11568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.11568 of 2023
and W.M.P.No.11466 of 2023

P.Rokesh

... Petitioner

Vs.

1.The Agricultural Marketing and Agri Business,
Rep. by its Commissioner,
CIPET Road,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032.

2.Tiruvannamalai Market Committee,
Rep. by its Secretary,
2A, Anna Salai,
Tiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned orders made in Proc.No.DCS2/21499/2020, dated 19.07.2021 passed by the first respondent and consequential order refusing payment of subsistence allowance made in Na.Ka.No.A681/2021 dated 07.03.2022 issued by the second respondent quash the same and consequently direct the respondents to pay all arrears of amount with all attendant benefits to the petitioner.



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For Petitioner : Mr.G.Ethirajulu
For Respondent 1 : Mr.S.Rajesh,
Government Advocate

For Respondent 2 : Mr.P.Gurunathan,
Additional Government Pleader

ORDER

The petitioner has filed this petition to call for the records relating to the impugned orders made in Proc.No.DCS2/21499/2020, dated 19.07.2021 passed by the first respondent and consequential order refusing payment of subsistence allowance made in Na.Ka.No.A681/2021 dated 07.03.2022 issued by the second respondent quash the same and consequently direct the respondents to pay all arrears of amount with all attendant benefits to the petitioner.

2. The case of the petitioner is that the petitioner was appointed as Supervisor in Chetpet Regulated Market under Tiruvannamalai Market Committee on 29.12.2009 and he was promoted to the post of Superintendent on 03.03.2016. This being so, the first respondent suspended the petitioner by invoking Rule 17(E) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules vide his Proc.No.DCS2/21499/2020, dated 19.07.2021 and the



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same was forwarded to the petitioner on 20.07.2021. The petitioner was suspended from service with effect from 19.07.2021.

2.1. The petitioner sent a representation dated 11.02.2022 before the second respondent claiming subsistence allowance with all arrears. However, the said representation was rejected by the second respondent vide proceedings Na.Ka.No.A681/2021 dated 07.03.2022 on the ground that the petitioner claimed the subsistence allowance only after 6 months. Hence, challenging the order of suspension passed by the first respondent dated 19.07.2021 and rejection order passed by the second respondent dated 07.03.2022, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that the the petitioner was suspended by the first respondent on 19.07.2021 vide his proceedings Proc.No.DCS2/21499/2020, dated 19.07.2021 and his suspension was revoked on 19.04.2023. However, till date, no subsistence allowance was paid to him for the suspension period.

4. Learned Government Advocate appearing for the first respondent



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submitted that this Court may issue direction to the first respondent to pay the subsistence allowance to the petitioner for the period of suspension.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the above submission made by the learned counsel on either side, this Court directs the first respondent to pay the subsistence allowance to the petitioner for a period of suspension i.e., from 19.07.2021 to 19.04.2023, within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition is closed with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

8. List the case on 17.03.2025 under the caption “For Reporting Compliance”.



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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To:

1.The Commissioner
Agricultural Marketing and Agri Business,
CIPET Road,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032.

2.The Secretary,
Tiruvannamalai Market Committee,
2A, Anna Salai,
Tiruvannamalai.



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