



W.P.(MD).No.161 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.161 of 2025

B.Prem Kumar

... Petitioner

Vs

The Assistant Director of Survey and Land Records,
Office of the District and Land Survey,
Madurai District,
Madurai-625 020.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records in proceedings in A4/6086/2023 dated 06.12.2024 and quash the same and consequently direct the respondent to sanction the enhancement of the subsistence allowance to the petitioner right from the date of expiry of six months of suspension as per the specific provision contained under Rule 53(1) (a)(i) of the Fundamental Rules with a time stipulated by this court.

For Petitioner : Mr.R.Anandha Raj

For Respondents : Mr.D.Sasikumar
Additional Government Pleader



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ORDER

The instant Writ Petition has been filed by a Sub-Inspector of Survey seeking a mandamus for enhancement of the subsistence allowance.

2. A perusal of the records reveal that the petitioner was placed under suspension by way of proceedings dated 12.10.2023, on the basis of implication in a criminal case in Crime No.10 of 2023, on the file of Vigilance and Anti-Corruption Department, Madurai. Even though, the petitioner was placed under suspension, so far, charge memo has not been issued. The petitioner is already receiving subsistence allowance at the rate of 50%. The petitioner has sent a representation to the authorities, seeking enhancement of subsistence allowance on 04.11.2024. The said request has been rejected by way of impugned order dated 06.12.2024, solely on the ground that the petitioner has been arrested by the Vigilance and Anti-Corruption Department and therefore, the request of the petitioner for enhancement of subsistence allowance cannot be consider.

3. Even though, the petitioner has been arrested by the Vigilance and Anti-Corruption Department, he is eligible to seek enhancement of subsistence allowance. When no charge memo has been issued the order rejecting enhancement is not justifiable. Therefore, the order impugned is not legally sustainable.



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4. In view of the above said facts, the order impugned in this writ petition is set aside and the matter is remitted back to the file of the respondent herein and the respondent is directed to pass a fresh orders in the light of observations made by this Court, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above said observations, this writ petition stands allowed. No costs.

06.01.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

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To

The Assistant Director of Survey and Land Records,
Office of the District and Land Survey,
Madurai District,
Madurai-625 020.

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