



W.P.(MD)No.4912 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.4912 of 2025
and W.M.P(MD).No.3568 of 2025

P.Chandra

... Petitioner

Vs.

1.The Assistant Director cum
Personal Assistant to District Collector,
Survey and Land Records (I/C),
Madurai District, Madurai 625 020.

2.The Thasildar,
Vadipatti Taluk,
Vadipatti, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of rejection, rejecting to pay the 75% of enhanced subsistence allowance passed vide his proceedings in No.A4/3771/2023 dated 28.11.2024 and quash the same as illegal, arbitrary and thereby direct him to pay 75% of subsistence allowance by taking account of the Rule 53(1)(a)(i) of Fundamental Rules within the time limit stipulated by this Court.



W.P.(MD)No.4912 of 2025

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For Petitioner : Mr.B.Satheshkumar

For Respondents : Mr.D.Sachikumar
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

2. The petitioner is working as Firka Surveyor in the respondent department. On 30.06.2023, pursuant to the registration of criminal case against the petitioner by the Vigilance and Anti-Corruption Department, the petitioner was kept under suspension by the first respondent vide proceedings dated 01.07.2023. The petitioner was paid subsistence allowance during the pendency of the suspension period. As the petitioner has been kept under suspension for more than 1 ½ years, he made a representation to the first respondent on 12.01.2024 requesting to enhance the subsistence allowances to 75% as per Rule 53(1)(a)(i) of the Fundamental Rules. The said request has not been considered by the respondents. Aggrieved by the action of the respondents, he



W.P.(MD)No.4912 of 2025

filed a writ petition before this Court in W.P(MD).No.26564 of 2024. This Court by order dated 07.11.2024 directed the first respondent therein to consider the representation of the petitioner dated 12.01.2024 and pass orders on merits, within a period of twelve weeks. In compliance of the same, the first respondent passed the order rejecting the petitioner's request vide impugned order dated 28.11.2024. Aggrieved by the same, the present writ petition has been filed.

3. During the course of hearing, the learned counsel for the petitioner has drawn the attention of this Court to Rule 53(1)(a)(i) of the Fundamental Rules, wherein it is provided that the amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible during the period of the first six months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant.

4. In the present case, admittedly, the petitioner was kept under suspension with effect from 01.07.2023 and he is under continuous suspension for more than 1 ½ years. In view of the same, in my considered view, the



W.P.(MD)No.4912 of 2025

WEB COPY

petitioner is entitled for enhancement of the subsistence allowance as per Rule 53(1)(a)(i) of the Fundamental Rules. It appears that the first respondent, without considering the said Rule, passed the impugned order rejecting the petitioner's request. Accordingly, this Writ Petition is disposed of with the following directions:-

(i) The order impugned in this writ petition in No.A4/3771/2023, dated 28.11.2024, issued by the first respondent is hereby quashed;

(ii) The first respondent shall enhance the subsistence allowance to the petitioner strictly following the Rule 53(1)(a)(i) of the Fundamental Rules, within a period of two weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected Miscellaneous Petition is closed.

02.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Rmk

4/6



W.P.(MD)No.4912 of 2025

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To:

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Personal Assistant to District Collector,
Survey and Land Records (I/C),
Madurai District, Madurai 625 020.
- 2.The Thasildar,
Vadipatti Taluk,
Vadipatti, Madurai District.



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W.P.(MD)No.4912 of 2025

BATTU DEVANAND,J.

Rmk

W.P(MD).No.4912 of 2025

02.04.2025