



W.P.(MD)No.5458 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5458 of 2025

Radhakrishnan

... Petitioner

Vs.

The District Collector,
Theni District,
Theni.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to sanction the enhancement of the subsistence allowance to the petitioner right from the date of the expiry of six months of suspension as per the specific provision contained under Rule 53(1)(a)(i) of the Fundamental Rules by considering the petitioner's representation dated 27.11.2024 within the time frame stipulated by this Court.

For Petitioner : Mr.S.Srikanth

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader



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ORDER

This Writ Petition has been filed seeking a writ of mandamus directing the respondent to sanction the enhancement of subsistence allowance to the petitioner right from the date of the expiry of six months of suspension as per the specific provision contained under Rule 53(1)(a)(i) of the Fundamental Rules by considering the petitioner's representation dated 27.11.2024 within the time frame stipulated by this Court.

2. Head both sides and perused the records.

3. The case of the petitioner is that when he was working as Union Overseer at Cumbum Panchayat Union, Theni District, a case was registered against him by the Department of Vigilance and Anti-Corruption Department, Theni District in Crime No.2 of 2023 under Section 7 of Prevention of Corruption Act, 1988. Consequent to the same, the respondent placed the petitioner under suspension by order dated 29.06.2023, till then, the petitioner is getting 50% subsistence allowance. Thereafter, the petitioner submitted a representation dated 01.04.2024 to the Block Development Officer, Cumbum to



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enhance the subsistence allowance at the rate of 75%. There was no response.

WEB COPY Hence, the petitioner submitted another representation on 27.11.2024 to the respondent with the same request. Against the inaction of the respondent, the present writ petition is filed.

4. The learned counsel for the petitioner would submit that it is the right of the petitioner to get subsistence allowance at the rate of 75% from the date of expiry of six months of suspension period as per Rule 53(1)(a)(i) of the Fundamental Rules.

5. The learned Additional Government Pleader appearing for the respondent would submit that the relevant rule of the Fundamental Rules provides for entitlement of the petitioner for enhanced subsistence allowance from the date of expiry of six months of suspension period. In the said Rule, it is not provided what is the quantum of enhancement to be made.

6. Having heard the submission of both counsels, this Court is of the considered opinion that this writ petition can be disposed at the stage of admission with consent of both counsels without going into further merits of the case in the light of Rule 53(1)(a)(i) of the Fundamental Rules. The respondent



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can be directed to enhance the subsistence allowance of the petitioner by

considering his representation dated 27.11.2024 to meet the ends of justice.

7. Accordingly, this writ petition is allowed with the following directions:

The respondent is directed to enhance the subsistence allowance to the petitioner by following 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.

There shall be no order as to costs.

28.02.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM

To:
The District Collector,
Theni District,
Theni.



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BATTU DEVANAND, J.

CM

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