



W.A(MD)No.2434 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2434 of 2025

and

C.M.P(MD)No.13887 of 2025

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

... Appellant

Vs.

B.Prem Kumar

... Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order dated 06.01.2025 passed in W.P(MD)No.161 of 2025.

For Appellant : Mr.S.P.Maharajan
Special Government Pleader
For Respondent : Mr.R.Anandharaj



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JUDGMENT

(Judgment of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The writ appeal has been instituted challenging the writ order dated 06.01.2025 in W.P(MD)No.161 of 2025.

2. Admittedly, departmental disciplinary proceedings are initiated against the respondent. The Department of Vigilance and Anti Corruption also initiated prosecution. During the pendency of the departmental disciplinary proceedings and criminal case, the respondent was placed under suspension. Admittedly, the respondent is receiving 50% subsistence allowance, an application was filed seeking enhancement of subsistence allowance to 50% to 75%. Since the authorities rejected the same, the writ petition came to be instituted. The Writ Court adjudicated the issues and remanded the matter back to the respondent therein for passing fresh orders in the light of the observations.

3. The learned Special Government Pleader appearing for the appellant would submit that the observations made in para 3 would obstruct the authorities from passing orders independently, on merits and in accordance with the rules.



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4. As per the rules, enhancement of subsistence allowance to 75% may be applied by a suspended employee, however, it cannot be claimed as a matter of right. 50% subsistence allowances are right. However, enhancement of subsistence allowance is to be decided by the authorities on merits and based on other factors. Therefore, this court is inclined to clarify that the authorities / appellant shall pass fresh orders on merits and in accordance with law and considering the rules which all are in force for granting enhancement of subsistence allowance.

5. Accordingly, the order of the writ Court is modified. With the above modification, the writ appeal is disposed of and in all other respects we are not inclined to interfere with the orders of the Writ Court. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
22.08.2025

NCC : Yes / No

Index : Yes / No

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