



W.A.(MD)No.2543 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.09.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.2543 of 2025
and
C.M.P(MD)No.14526 of 2025

1.The Inspector of Panchayats - cum -
The District Collector,
Theni District.

2.The Block Development Officer,
Block Development Office,
Andipatti.

... Appellants/Respondents 1 & 2

Vs.

1.S.Gunasekaran

... 1st Respondent/Writ Petitioner

2.The President,
Rengasamuthiram Village Panchayat,
Andipatti Taluk,
Theni District.

... 2nd Respondent/3rd Respondent

PRAYER:- Writ Appeal filed under Clause XV of Letters Patent, to set aside the order made in W.P.(MD)No.21917 of 2024 dated 21.10.2024 on the file of this Court and allow the Writ Appeal.



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For Appellants : Mr.D.Sadiq Raja

For R – 1 : Mr.S.Louis

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The present Writ Appeal has been filed by the State, challenging an order passed in W.P(MD)No.21917 of 2024 dated 21.10.2024.

2.The Writ Petition had been filed by R1, challenging an order dated 05.07.2022 and seeking a consequential direction to the appellants to provide subsistence allowance or reinstate him in service with all consequential benefits.

3.R1 is a Panchayat Secretary and had made a claim for subsistence allowance consequent to his suspension on 21.09.2011 and termination thereafter on 11.04.2012. The order of termination was challenged in WP(MD)No.3377 of 2016, which had been allowed on 26.09.2019, granting liberty to the authorities to initiate action afresh.



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4.The writ Court noted that though the order of termination had already been set aside, the order of suspension had not been revoked by the authorities and R1 has been kept under suspension even as on the date of the impugned order ie., 21.10.2024. On a request for payment of subsistence allowance, the order impugned in the Writ Petition dated 05.07.2022 had been passed adverse to R1.

5.The writ Court noted that as on the date of suspension ie., 21.09.2011, the Tamil Nadu Village Panchayat Secretaries (Conditions and Service) Rules, 2013, which came into force on 09.07.2013, provided for the payment of subsistence allowance under Rule 17(4). Hence, the writ Court has accepted the plea of R1 for payment of subsistence allowance from 09.07.2013 onwards.

6.Having noted the contents of Rule 17(4), which provides for payment of subsistence allowance of 50% of the last pay and allowances drawn during the period of suspension, the Writ Petition was allowed.



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7.Before us, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the appellants, was not in a position to point out any legal infirmity in the impugned order of the writ Court. It is, thus, an admitted position that the entitlement of R1 stands crystallized under the 2013 Rules.

8.In light of the same, we confirm the order of the writ Court dated 21.10.2024 and grant the appellants six (6) weeks from the date of receipt of a copy of this order to make the payment.

9.Accordingly, this Writ Appeal is dismissed. A token cost of Rs.1,000/- (Rupees One Thousand Only) is imposed payable to R1 by A2 along with the subsistence allowance, within the stipulated time frame. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
03.09.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps

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