



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM:

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20023 of 2016

G.Veluchamy : Petitioner

Vs.

1.The Conservator of Forest,
Virudhunagar Circle,
Virudhunagar,
Virudhunagar District.

2.The Wild Life Warden,
Grizzled Squirrel Wild Life Sanctuary,
Srivilliputhur,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents i.e., the Conservator of Forests, Virudhunagar and the Wild Life Warden, Grizzled Squirrel Wild Life Sanctuary, Srivilliputhur to consider the petitioner's last representation dated 10.04.2015 and sanction 75% of subsistence allowance as per the provisions contained in Fundamental Rule 53(1) (a) (i) within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Murgan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first and second respondents i.e., the Conservator of Forests, Virudhunagar and the Wild Life Warden, Grizzled Squirrel Wild Life Sanctuary, Srivilliputhur to consider the petitioner's last representation dated 10.04.2015 and sanction 75% of subsistence allowance as per the provisions contained in Fundamental Rule 53(1) (a) (i) within a specified time frame that may be fixed by this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

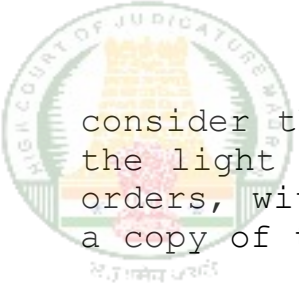
3. The case of the petitioner is that the petitioner was last serving as Forest Ranger at Srivilliputhur under the control of the Wild Life Warden, Srivilliputhur Division, Srivilliputhur, Virudhunagar District. He was placed under suspension with effect from 16.07.2013 as per the proceedings dated 17.07.2013 of the first respondent, since a case has been registered against him, under the Prevention of Corruption Act, in Crime No.7 of 2013 on the file of Vigilance and Anti-Corruption, Virudhunagar. The petitioner was getting 50% of subsistence allowance and since he has been under suspension from 16.07.2013, for a period of more than three years, he has made so much of representations for enhancement of subsistence allowance, as per the provisions contained under the Fundamental Rules. Last representation was made on 10.04.2015, claiming enhancement of the subsistence allowance as per the provisions contained in 53(1)(a)(i) of Fundamental Rules. Without considering the specific provision contained in the Fundamental Rules, the second respondent has simply sought for instructions from the first respondent as to whether the petitioner may be granted the enhancement of subsistence allowance, vide letter dated 01.10.2014. There was no response from the first respondent in this regard. 75% of enhancement of subsistence allowance has been ordered in W.P(MD) No.10271 of 2008, dated 17.12.2008 and in W.P(MD) No.11841 of 2011, dated 27.03.2012 and the same was also implemented by the District Collector, Dindigul in his proceedings dated 10.04.2014. So far as the petitioner's case is concerned, investigation has been completed and charge sheet has been filed before the Special Court and the trial is in progress. Therefore, this writ petition has been filed.

4. The learned counsel for the petitioner would submit that the trial is in progress and the sanction of enhancement of subsistence allowance is a matter of routine following Rule 53(1)(a)(i) of the Fundamental Rules and the second respondent without any reason has delayed the enhancement of subsistence allowance and his last representation dated 10.04.2015 was also not considered.

5. The learned Government Advocate would submit that it is agreeable for the first respondent to consider the representation of the petitioner and to pass appropriate orders within a period of four weeks in the light of Rule 53(1)(a)(i) of the Fundamental Rules.

<https://hcservices.ecourts.gov.in/hcservices/>

6. Recording the submission made by the learned Government Advocate for the respondents, the first respondent is directed to



consider the representation of the petitioner dated 10.04.2015 in the light of Rule 53(1)(a)(i) of the Fundamental Rules and pass orders, within a period of four weeks, from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

smn

To

1. The Conservator of Forest, Virudhunagar Circle,
Virudhunagar, Virudhunagar District.

2. The Wild Life Warden,
Grizzled Squirrel Wild Life Sanctuary,
Srivilliputhur, Virudhunagar District.

+1CC to Spl. Government Pleader Sr.No.62306

+1CC to Mr.S.Visvalingam, Advocate Sr.No.61560

GJM/GSV/PM/4.11.16-3p-5C

ORDER MADE IN
W.P(MD) No.20023 of 2016
19.10.2016