



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.7096 of 2016

and

W.M.P(MD)No.6030 of 2016

K.Manoharan

... Petitioner

Vs.

1.The Agriculture Production Commissioner
and the Secretary to Government,
Agriculture (Ve.Nee.5) Department,
Fort St., George,
Chennai 600 009.

2.The Director of Agriculture,
Chepauk,
Chennai 600 005.

3.The Joint Director of Agriculture,
Collectorate Compound,
Dindigul District,
Dindigul 624 004.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Agricultural Production Commissioner and the Secretary to Government Chennai the 1st respondent herein to consider the claim of the Petitioner to continue to pay the subsistence allowance to the petitioner pending disposal of the Criminal case of the Petitioner before the Honourable Supreme Court of India by reviewing the order passed in G.O(3D) No. 60 (Ve.Nee.5) department dated 10.04.2014 by passing orders on the representation of the Petitioner dated 04.09.2015.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.S.Sadeskumar,
Additional Government Pleader.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus to direct the Agricultural Production Commissioner and the Secretary to Government, Chennai the first respondent herein to consider the claim of the petitioner to pay subsistence allowance to him pending disposal of the criminal case of the petitioner before the Honourable Supreme Court by reviewing the order passed in G.O(3D) No. 60, Agriculture Department, dated 10.04.2014 by passing orders on the representation of the Petitioner dated 04.09.2015.

2. Heard the learned counsel appearing for the petitioner. Mr.S.Sadeskumar, learned Additional Government Pleader takes notice for the respondents.



3.It is stated that the petitioner was placed under suspension by the Department on the last date of retirement on the ground that he was involved in a criminal case. In the said criminal case, the petitioner was convicted and sentenced to undergo rigorous imprisonment of three months and a fine of Rs.1000/-. Thereafter, after a delay of eight years, he was dismissed from service on the ground of conviction. Aggrieved over the same, the petitioner submitted a review petition before the Government, the first respondent herein on 04.09.2015 which is still pending. Hence, the petitioner has come up with the above writ petition.

4.Considering the above stated facts and circumstances and without expressing any view on the claim made by the petitioner, the writ petition is disposed of, directing the first respondent to consider the review petition dated 04.09.2015 and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD) No.6030 of 2016 is closed.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The Agriculture Production Commissioner
and the Secretary to Government,
Agriculture (Ve.Nee.5) Department,
Fort St., George,
Chennai 600 009.

2.The Director of Agriculture,
Chepauk,
Chennai 600 005.

3.The Joint Director of Agriculture,
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+1cc to M/S.K.Rajkumar, Advocate in SR.No.20263

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and
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12.04.2016

sms

PA/SKS-RR/05.05.2016/2P/5C