



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.111 OF 2022

AND

W.M.P.NO.108 OF 2022

P.Latha

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environment and Forest Department,
Secretariat,
Chennai- 600009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
Panagal Maaligai,
No.1 Jeenis Road, Saidapet,
Chennai-600015.

3.The Chief Conservator of Forests,
Trichy Circle,
Near Court Campus, Cantonment,
Trichy-620001.

4.The District Forest Officer,
Ariyalur Forest Division,
Ariyalur-621701.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of impugned order issued by the 4th respondent dated 17.12.2021 in Proc.No.E/4402/2021 and quash the same, consequently direct the 3rd and 4th respondents to allow the petitioner to work as Superintendent in the District Forest Office/4th respondent office.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mrs.S. Anitha, Spl.GP



ORDER

The relief sought for in the writ petition is to call for the records of impugned order issued by the 4th respondent dated 17.12.2021 in Proc.No.E/4402/2021 and quash the same, consequently direct the 3rd and 4th respondents to allow the petitioner to work as Superintendent in the District Forest Office/4th respondent office.

2. Heard both sides and perused the materials available on record.

3. According to the learned counsel for the petitioner, the 4th respondent has no jurisdiction to issue suspension order against the petitioner under Rule 10 of Tamil Nadu Ministerial Service Rules. Therefore, the impugned suspension order issued by the 4th respondent is illegal and liable to be set aside.

4. The learned counsel for the petitioner has further submitted that subsequently, the 4th respondent by proceedings dated 28.01.2022 has revoked the suspension and permitted the petitioner to join duty. Therefore the petitioner is entitled for the subsistence allowance and other monetary benefits for the suspension pension as per Rules.

5. In view of the fact that the petitioner's suspension has been revoked by the 4th respondent, it would be appropriate to direct the respondents to pay the subsistence allowance and other monetary benefits during the period of suspension.

6. Accordingly, the respondents are directed to pay the subsistence allowance and other monetary benefits to the petitioner during the suspension period as per Rules, as expeditiously as possible.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai- 600009.



WEB COPY

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai-600015.

3.The Chief Conservator of Forests,
Trichy Circle,
Near Court Campus, Cantonment,
Trichy-620001.

4.The District Forest Officer,
Ariyalur Forest Division,
Ariyalur-621701.

+1cc to the Special Government Pleader Sr.No.23861

+1cc to the Special Government Pleader (Forest) Sr.No.24252

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SKM(CO)
RVM(12/05/2022)