



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.NO. 10438 OF 2021
AND WMP.NOS. 11036,11040 & 11042 OF 2021

K.Velan

.. Petitioner

Vs.

1. The Commissioner
Food safety and Drug Administration,
Guindy,
Chennai -32.
2. The Government Analyst,
Food Analysis Laboratory,
Guindy,
Chennai -32.

.. 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 the respondent in connection with the impugned order passed in R.No.7200 /2019 / S10/ FSSA dated 26/09/2019 and to quash the same and direct the respondent to reinstate the petitioner into service.

For Petitioner : S.Sivakumar

For Respondent : Mr.M.Bindran, AGP

ORDER

Challenging the impugned order passed by the respondent in R.No.7200 /2019 / S10/ FSSA dated 26/09/2019, the present writ petition is filed.



2. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in a criminal case by the MKB Nagar Police Station in Crime No. 592 of 2019 registered under Section 174 of IPC subsequently altered into Sections 328, 307, 326 and 302 of IPC and thereafter arrested on 24.09.2019 and remanded to judicial custody. Pursuant to the arrest and remand, the petitioner was placed under suspension by invoking Rule 17(e) (2) of the Tamil Nadu Civil Services (D&A) Rules by impugned order date 26.09.2019.

3. The learned counsel for the petitioner would further submit that the petitioner was placed under prolonged suspension from the year 2019 and the respondents had not considered for revocation of suspension order. Further, the petitioner has submitted a representation dated 23.03.2021 for the enhanced subsistence allowance from 50% to 75% , which the petitioner is entitled as per rule 53 of Fundamental Rules and the said representation is still pending without any orders.

4. On the other hand, the learned Additional Government Pleader would submit that the petitioner had involved in the offence registered under Section 302 IPC which is very serious in nature, therefore the request of the petitioner for revocation of suspension cannot be considered at this stage.

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

6. Though it is represented by the learned counsel for the petitioner that trail has commenced in the said criminal case, taking note of the gravity of the offence in the said criminal case, this Court is not inclined to interfere with the impugned suspension order passed by the first respondent. However, considering the fact that the petitioner has submitted a representation for enhancement of subsistence allowance by relying upon the Rule 53 of Fundamental Rules, this Court is of the view that it would be appropriate to issue directions to the respondent to consider the petitioner's representation insofar it relates to the subsistence allowance is concerned.

7. Accordingly, the 1st respondent is directed to consider the petitioner's representation dated 23.03.2021 seeking enhancement of subsistence allowance in accordance with relevant rules and pass appropriate orders on merits as expeditiously as possible, preferably within a period of four



weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Food safety and Drug Administration,
Guindy, Chennai -32.
2. The Government Analyst,
Food Analysis Laboratory,
Guindy, Chennai -32.

+lcc to S.Sivakumar, Advocate, S.R.No.23458
+lcc to the Government Pleader, S.R.No.24123

W.P.No. 10438 of 2021
and
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MG (CO)
PM/18/04/2022