



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.13779 of 2020

and

W.M.P.Nos.17126 and 17127 of 2020

R.Dinakaran

... Petitioner

vs.

The District Forest Officer
Vellore
Vellore District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in passing the impugned order bearing reference No. Proc.No.5196/2020/E3 dated 29.06.2020 on the file of the respondent in so far as it relates to denial of payment of subsistence allowance, quash the same and consequently direct the respondent to pay subsistence allowance to the petitioner with effect from the date on which he was placed under suspension namely 29.06.2020.

For Petitioner : Mr.S.Mani

For Respondent : Mrs.S.Anitha
Special Government Pleader

ORDER

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in passing the impugned order bearing reference No. Proc.No.5196/2020/E3 dated 29.06.2020 on the file of the respondent in so far as it relates to denial of payment of subsistence allowance, quash the same and consequently, to direct the respondent to pay subsistence allowance to the petitioner with effect from the date on which he was placed under suspension namely 29.06.2020.



2. According to the petitioner, he was placed under suspension and the respondent has not paid the subsistence allowance to the petitioner. Hence, he has filed the present writ petition challenging the aforesaid impugned suspension order before this Court.

3. According to the respondent, the petitioner joined in regular service on 07.08.2009. The respondent has passed the impugned suspension order in Proceedings No.5196/2010/E3, dated 29.06.2020 and paid the allowance upto 30.06.2020 (i.e) upto the date of superannuation of the petitioner from service. Thereafter, he is not eligible for the subsistence allowance.

4. In the light of the above said statement made in the counter affidavit, the petitioner was paid the subsistence allowance till 30.06.2020 (i.e) upto the date of superannuation of the petitioner. Subsequently, on attained the date of superannuation, he is not eligible for the subsistence allowance. Therefore, there is no scope for quashing the impugned order passed by the respondent. Hence, the writ petition deserves to be dismissed.

5. In view of the above, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dm
To

The District Forest Officer,
Vellore,
Vellore District.

+1cc to Mr.S.Mani, Advocate Sr.21489
+1cc to the Special Government Pleader Sr.22087
+1cc to the Government Pleader Sr. 21736

W.P.No.13779 of 2020

gpl[col]
srg 18/04/2022