



W.P.No.15599 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.15599 of 2018

K.Natarajan,
S/o. Kandasamy

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Forest Plantation Corporation Limited,
Karur Main Road,
Mallachipuram, Kamabarasam Post,
Thriuchirappalli.

2. The Regional Manager,
Tamil Nadu Forest Plantation Corporation Limited,
Aranthangi Village. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents to pay the subsistence allowance to the petitioner from the date of suspension order dated 29.09.2014 in Na.Ka.No.7692/2014/E2 till date.

For Petitioner : Ms.T.Sreelekha

For Respondent : Mr.R.Neethiperumal
Government Advocate



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ORDER

WEB COPY The prayer sought for herein is for a writ of mandamus to direct the respondents to pay the subsistence allowance to the petitioner from the date of suspension order dated 29.09.2014 in Na.Ka.No.7692/2014/E2 till date.

2. The petitioner was working as a Forest Ranger at the respondent Department and he was placed under suspension by order dated 29.09.2014. Pursuant to which, the petitioner has been in continuous suspension for the past eight years.

3. However, since the petitioner could not retired from service on superannuation, as one day prior to his superannuation, he was placed under suspension and thereafter the petitioner also not getting the dearness allowance as well as the subsistence allowance under Rule 56(7), he has given a representation to that effect on 02.04.2018 to the respondents to pay such subsistence allowance for the livelihood of the petitioner since that was also not considered by the respondents, he approached this Court by filing the present writ petition.



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4. Heard Ms.T.Sreelekha, learned counsel appearing for the petitioner and Mr.R.Neethiperumal, learned Government Advocate appearing for the respondents.

5. Mr.R.Neethiperumal, learned Government Advocate appearing for the respondents would submit that, his request dated 02.04.2018 would be considered and a decision would be taken as to the eligibility of the petitioner to get subsistence allowance even after superannuation period, since the criminal case is pending against the petitioner is not concluded, it become necessitated to keep the petitioner without permitting him to retire and the decision to that effect based on the representation of the petitioner would be made within a time frame that may be stipulated by this Court.

6. Having regard to the said stand taken by the learned Government Advocate appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the respondents to consider the request of the petitioner dated 02.04.2018 with regard to his



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grievance to pay the subsistence allowance at least for the suspension period as the petitioner was not allowed to retire even on superannuation i.e., 30.09.2014 because one day prior to his superannuation, he was placed under suspension on 29.09.2014 and such order shall be passed on merits and in accordance with law by the respondents and communicate the same to the petitioner within a period of four (8) weeks from the date of receipt of a copy of this order.

With these directions, these writ petitions are disposed of accordingly. No costs.

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Index : Yes/No

Internet: Yes/No

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R.SURESH KUMAR, J.

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