



WEB COPY



W.P.No.42119 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.42119 of 2016

G.Ramalingam

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai 600 009.

2.The Principal Chief Conservator of Forest,
Panagal Building,
Chennai – 600 015.

3.The Deputy Conservator of Forests,
Afforestation Division,
Tiruvanamalai.

... Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents to consider the representation of the petitioner dated 27.08.2015 for to revoke the order of suspension and to permit the petitioner to retire without prejudice to the pending disciplinary proceedings / Criminal proceedings so as to enable him to get his retired benefits (other than pension) such as GPF SPF and encashment of Leave Salary etc. and to pass such



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other further or other order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.T.Dharani
(Change of Vakalat given)

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the petitioner dated 27.08.2015 to revoke the order of suspension and not to permit the petitioner to retire from service.

2.The petitioner was serving as Forester and implicated in a criminal case Vachathi issue. The criminal case against the writ petitioner was registered in C.C.No.117 of 1196. Thus, the petitioner was not allowed to retire from service and placed under suspension. The services of the writ petitioner was extended under the fundamental rules and the learned Government Advocate brought to the notice of this Court that the subsistence allowance not exceeding the provisional pension is being paid to the writ petitioner in accordance with the rules in force. That apart, the eligible benefits as applicable were also settled in



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accordance with rules. As far as the pension and other pensionary benefits are concerned, the same has to be considered only after the disposal of the criminal case. During the pendency of the criminal case, the Government employee is not entitled to claim pension and pensionary benefits and therefore, the direction sought to consider the representation cannot be granted. The petitioner, after disposal of the criminal case pending against him is at liberty to approach the competent authorities for the purpose of settlement of pensionary benefits and other consequential benefits.

3. With these observations, this writ petition stands disposed of. No Costs.

23.09.2022

Index : Yes
Internet : Yes
Speaking order/Non-Speaking order
ssr

To

1. Government of Tamil Nadu,
Rep. by Secretary to Government,
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Secretariat, Chennai 600 009.



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S.M.SUBRAMANIAM, J.

SSR

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