



WEB COPY



W.P. No.30954 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.30954 of 2022

and

WMP Nos.30342 and 30344 of 2022

S. Prakash Babu

...Petitioner

VS.

1. Government of Tamil Nadu,
Represented by Principal Secretary to the Government,
Secretariat,
Chennai – 600 009.

2. The Commissioner,
Rural Development and Panchayat Raj,
Panagal Building,
4th and 5th Floor,
Jeenis Road,
Saidapet,
Chennai – 600 015.

3. The Collector,
Cuddalore District,
Gundu Salai Rd,
Manjakuppam,
Cuddalore – 607 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in G.O. (2D) No.54, dated 30.06.2022 on the file of the 1st respondent and to quash the same.



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For petitioner : Mr. T.M. Mano
For respondents : Mr.P. Balathandayutham
Spl. Govt. Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2. Mr.P. Balathandayutham, learned Special Government Pleader accepts notice for the respondents.

3. The petitioner has challenged the order dated 30.06.2022 passed in G.O. (2D) No.54 under which he has been dismissed from service. The petitioner now contends that an FIR which was earlier registered against him, which is the basis of the impugned G.O., dated 30.06.2022, has now been quashed pursuant to an order dated 05.07.2022 passed by this Court in Crl. OP No.7603 of 2022

4. The petitioner also contends that within five days from the date of passing of the impugned G.O., the FIR registered against him was quashed. The petitioner has given representations to the respondents on 04.08.2022 and 21.09.2022 requesting the respondents to permit him to retire as well as for payment of subsistence allowance in view of the fact that the FIR which was registered against him has now been ordered to be quashed.



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5. Admittedly, the said representations have not been considered by the respondents on merits and in accordance with law.

6. The learned counsel for the petitioner would submit that the petitioner will be satisfied, if the petitioner's representations are considered on merits and in accordance with law, within a time frame to be fixed by this Court and if the petitioner is given liberty, in case, no favourable orders are passed on the petitioner's representations by the respondents, to challenge the impugned G.O. dated 30.06.2022 in G.O. (2D) No.54 once again by filing a fresh writ petition.

7. It is settled law that in case an employee is suspended from service, the subsistence allowance is payable to the said employee.

8. For the foregoing reasons, this writ petition is disposed of by directing the 1st respondent to pass final orders on the petitioner's representations dated 04.08.2022 and 21.09.2022 requesting to withdraw the impugned G.O. (2D) No.54, dated 30.06.2022 under which the petitioner was dismissed from service in view of the fact that the FIR registered against the petitioner, which is the basis of the impugned G.O., has been quashed by order of this Court, dated 05.07.2022 passed in CrI.O.P. No.7603 of 2022, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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9. Liberty is granted to the petitioner to approach this Court once again, in case no favourable orders are passed in his favour by the 1st respondent.

10. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

21.11.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To
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ABDUL QUDDHOSE, J.

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