



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.02.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.14895 of 2019  
and  
WMP (MD) No.11399 of 2019

A.P.Vijayakumar

... Petitioner

-vs-

- 1.The Agricultural Production Commissioner and  
Principal Secretary to Government of Tamil Nadu,  
Secretariat, Chennai-600 009.
- 2.The Director of Agriculture,  
O/o.The Directorate of Agriculture,  
Chepauk, Chennai-05.
- 3.The Joint Director of Agriculture,  
Tallakulam, Madurai, Madurai District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Proc. No.DCS1/18626/2001 dated 26.06.2019 and the consequential impugned order in Proc. No.DCS1/18626/2001 dated 28.06.2019 on the file of the Respondent No.3 and quash the same as illegal and consequently to direct the Respondent No.3 permit the petitioner to retire from service with all retirement benefits within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.D.Sadiq Raja,  
Additional Government Pleader

**O R D E R**

The order of suspension dated 26.06.2019, issued in the eve of the date of superannuation and the consequential order dated 28.06.2019 extending the services of the petitioner are under challenge in the present writ petition.



2.The writ petitioner was working as an Office Assistant in Agricultural Department and a criminal case was charge sheeted against him in C.C.No.327 of 2005 on the file of the Judicial Magistrate-I, Madurai. Admittedly, the criminal case is pending for trial.

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3.Learned counsel appearing for the petitioner made a submission that the departmental disciplinary proceedings was concluded and the petitioner is now receiving the subsistence allowance not exceeding the provisional pension as per the rules.

4.Learned counsel appearing for the petitioner made a further submission that steps are taken for speedy disposal of the criminal case and liberty may be given to the petitioner to approach the respondent for appropriate action.

5.As far as the impugned order of suspension is concerned, unless criminal case reaches finality, the order of suspension and the order passed extending the services cannot be revoked.

6.The petitioner, admittedly, was due to retirement on attaining the age of superannuation on 30.06.2019 and in view of the fact that he has crossed the age of superannuation, the impugned order of suspension cannot be interfered with by the Courts, until the criminal case registered against him is disposed of. Payment of subsistence allowance was already directed to be considered in the order of suspension itself issued in proceedings dated 26.06.2019.

7.Learned Additional Government Pleader appearing on behalf of the respondents, on getting instructions from Mr.Jeyaprakash, Assistant, who is present before this Court, made a submission that the subsistence allowance, not exceeding the provisional pension, is being paid to the writ petitioner every month.

8.Thus, no further consideration is required in this Writ Petition and the petitioner, only after the disposal of the criminal proceedings, is at liberty to approach the respondent for appropriate action.

9.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Deputy Registrar (A/Cs)

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/ /2022

Sub Assistant Registrar(CS)

abr



To

1.The Agricultural Production Commissioner and  
Principal Secretary to Government of Tamil Nadu,  
Secretariat, Chennai-600 009.

2.The Director of Agriculture,  
O/o.The Directorate of Agriculture,  
Chepauk, Chennai-05.

3.The Joint Director of Agriculture,  
Tallakulam, Madurai, Madurai District.

+1 CC to M/s.SPL.GP ( SR-5019[F] dated 09/02/2022 )

+1 CC to M/s.S.LOUIS, Advocate ( SR-4887[F] dated 08/02/2022 )

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