



W.P(MD)No.21025 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21025 of 2022

and

W.M.P.(MD)Nos.15263 and 15265 of 2022

Pitchaimani

... Petitioner

Vs.

The Assistant Director and
P.A. to District Collector,
(Survey and Land Records),
Theni.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of suspension passed by the respondent vide his proceedings Roc.A1/3659/2021 dated 05.10.2021 and the consequential order passed vide his proceedings Na.K.A4/3659/2021 dated 10.8.2022 and quash the same as illegal consequently directing the respondent to re-instate the petitioner into service with all service and monetary benefits.

For Petitioner : Mr.K.Govindarajan,
For Mr.T.Lenin Kumar.

For Respondent : Mr.R.Suresh Kumar,
Addl. Government Pleader.



W.P(MD)No.21025 of 2022

ORDER

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Heard the learned counsel on either side.

2.The petitioner was suspended from service vide order dated 05.10.2021. He was working as Firka Surveyor. Seeking revocation of the suspension order, he submitted a representation. He moved this Court and vide order dated 24.06.2022 in W.P.(MD)No.11641 of 2022, the authority was called upon to review the order of suspension. Pursuant to the said direction, the impugned order dated 10.08.2022 came to be passed by the respondent informing the writ petitioner that his request for reinstatement cannot be accepted. Challenging the same, the present writ petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and direct the petitioner's reinstatement.

4.I am not persuaded by the said submissions. As rightly pointed out by the learned Additional Government Pleader, the petitioner has been implicated in a criminal case which is now being investigated by CBCID. The final report



W.P(MD)No.21025 of 2022

is yet to be filed. It is also stated that serious allegations have been made.

When the petitioner is facing prosecution for the offence under the Prevention of Corporation Act, it is not open this Court to interfere in the matter. I, therefore, decline to interfere with the orders impugned in the writ petition. At the same time, I cannot lose sight of the fact that the petitioner is under suspension for more than one year. Fundamental Rule stipulates that where the petitioner is beyond six months, the subsistence allowance must be revised. I take judicial notice of the fact that in all such cases, the suspended employee is paid 75% of the salary as subsistence allowance. I, therefore, direct the respondent to revise the subsistence allowance payable to the petitioner from 50% to 75%. This revision will come into effect from 05.04.2022.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous are closed.

03.11.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.21025 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.21025 of 2022

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