



W.P.No.14821 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14821 of 2024

A.M.Mariyappan

.. Petitioner

Vs.

1. The Principal Secretary / Chairman
Transport Department
Secretariat, Fort St. George
Chepauk, Chennai – 600 009.

2. The Managing Director
O/o. The Managing Director
Metropolitan Transport Corporation
Pallavan Salai, Chennai – 600 002.

3. The Managing Director
O/o. The Managing Director
Tamil Nadu State Transport Corporation
Coimbatore.

4. The Senior Deputy Manager (HRD)
O/o. The Senior Deputy Manager
Pallavan Salai, Chennai – 600 002.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus, calling for the entire records relating to the impugned proceedings No.6205/SaPi (OoNa) 5/Ma.Po.Ka./2014 dated 21.05.2024 of the second respondent and quash the same and consequently direct the respondents to permit the petitioner to retire from his service on 31.05.2024.



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For the Petitioner : Mr.Muralidharan
Senior Counsel
for M/s.Mcgan Law Firm

For the Respondents : Mr.P.Ganesan
Government Advocate
for R1 and R3

Mr.R.Balaji
for R2 and R4

ORDER

The writ petition is filed challenging the impugned order of suspension dated 21.05.2024.

2. On perusal of the affidavit filed in support of the writ petition and upon hearing the learned Senior Counsel appearing on behalf of the petitioner, it can be seen that the criminal case under the Prevention of Corruption Act, 1988, is pending against the petitioner. Therefore, when the petitioner is due to retirement from service upon superannuation with effect from 31.05.2024. The normal course open to the respondents is to apply their minds to the criminal case and if the circumstances warrant, they have to retain the petitioner in service by suspension, prior to his retirement on superannuation.



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3. The respondents have resorted to such course. No exception, whatsoever, can be taken to the said course. It goes without saying that the petitioner will be entitled for subsistence allowance as long as he remains under suspension.

4. Therefore, the writ petition stands disposed of in the following terms:

- (i) the prayer of the petitioner, to quash the order of suspension dated 21.05.2024, stands negatived; and
- (ii) the respondents are directed to calculate the subsistence allowance, payable to the petitioner and keep paying the same as long as the petitioner remains under suspension.

There shall be no order as to costs. Consequently, W.M.P.Nos.16053, 16055 and 16058 of 2024 are closed.

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Index : Yes/No

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D.BHARATHA CHAKRAVARTHY,J.

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