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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.24303 of 2024

J.Johnson Devakumar Jacob
Junior Engineer I Gr (Under suspension)
No.30, 5th Street,
A.P.Sivaraman Nagar,
Panruti – 607 106 ... Petitioner

Vs.

The Superintending Engineer,
CEDC /North/TANGEDCO,
No.144, Anna Salai,
Chennai 600 002 ... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondent to consider the representation dated 24.06.2024 and disburse the subsistence allowance for the period of August 2023 till the date (Subsistence Allowance Rs.52,300/- per month Rupees Fifty two thousand and three hundred only) for the appeal period.

For Petitioner : Mr.M.Aravind Subramaniam
Senior Counsel
Mrs.J.Arjinisha
For Respondent : Mr.David Sundar Singh
Standing counsel

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O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to consider the representation made by the petitioner dated 24.06.2024 wherein the petitioner has sought for disbursement of the subsistence allowance for the period from August 2023 onwards till date.

2. Heard Mr.M.Aravind Subramaniam, learned Senior Counsel for Mrs.J.Arjinisha, learned counsel for the petitioner and Mr.David Sundar Singh, learned Standing counsel for respondent.

3. The case of the petitioner is that he was working as a Junior Engineer at Hastinapuram, Chennai. He was placed under suspension in view of order of suspension dated 10.10.2008. The suspension order was revoked on 10.02.2010. The petitioner attained superannuation on 30.06.2016. Since the criminal case was pending against the petitioner, the petitioner was not allowed to retire from service. The further case of the petitioner is that as against the judgement and order of conviction and sentence passed by the Trial Court, the petitioner has filed an appeal before this Court in Crl A No.1041 of 2023 and the same is pending.

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Pending the appeal, the sentence imposed against the petitioner was also suspended in Crl MP No.15216 of 2023 by an order dated 25.09.2023.

4. The grievance of the petitioner is that he was not paid any subsistence allowance from August 2023 onwards. The petitioner made a representation in this regard on 24.06.2024. Since, the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

5. In the considered view of this Court, the suspension of the petitioner continues and the petitioner has also not been permitted to retire from service. The Criminal appeal is also pending. Therefore, till a final decision is taken, the subsistence allowance must be paid to the petitioner.

6. In the light of the above discussion, there shall be a direction to the respondent to deal with the representation made by the petitioner on 24.06.2024 and pay the permissible subsistence allowance to the petitioner from August 2023 onwards and keep paying the subsistence allowance till a final decision is taken. The process of paying the arrears

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of subsistence allowance shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the respondent along with a copy of this order.

8. This writ petition is disposed of with the above direction. No costs.

21.08.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
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N.ANAND VENKATESH, J

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To

The Superintending Engineer,
CEDC /North/TANGEDCO,
No.144, Anna Salai,
Chennai 600 002

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