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Writ Petition No.28080 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.28080 of 2024

R.Malarvizhi

W/o.Mr.C.Mohan

... Petitioner

Vs.

1.The Additional Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2. The Additional Chief Secretary / Commissioner
of Revenue Administration,
Chepauk, Chennai - 600 005.

3. The District Collector,
Collectorate,
Mayiladuthurai District,
Mayiladuthurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to continue to pay the subsistence allowance and also the arrears of subsistence allowance and till the outcome of the criminal case and the departmental enquiry and also to settle the entire amounts in respect of the surrender earned leave, GPF, SPF etc.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents : Mr.S.Balamurugan
Government Advocate



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to pay the arrears of subsistence allowance, monthly subsistence allowance and also the amounts that are due and payable towards surrendered earned leave, GPF, SPF *etc.*

2. Heard Mr.K.M.Subrahmaniam, learned counsel for petitioner and Mr.S.Balamurugan, learned Government Advocate for respondents.

3. The case of the petitioner is that she joined in the post of Assistant in the revenue department. She was subsequently promoted as Tahsildar and finally, she was working as Personal Assistant of the Revenue Divisional Officer, Mayiladuthurai. A First Information Report came to be registered in Crime No.4 of 2021 wherein the petitioner was arrayed as an accused. The same resulted in a suspension order passed against the petitioner by the District Collector, Mayiladuthurai, by proceedings dated 25.02.2021. The date of superannuation of the petitioner fell on 31.05.2023. However, she was not allowed to retire from service.



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4. The grievance of the petitioner is that the petitioner was not paid any subsistence allowance from 01.06.2023 onwards. That apart, the petitioner was not also paid the benefits such as surrendered earned leave, GPF, SPF *etc.* The representation made by the petitioner in this regard also did not evoke any response. It is under these circumstances the present writ petition has been filed before this Court.

5. In the considered view of this Court, the petitioner has not been permitted to retire from service and has been kept under suspension. Therefore, the petitioner is entitled for payment of subsistence allowance and it cannot be suddenly withdrawn. That apart, irrespective of the final result in the departmental proceedings based on the result in the criminal case, the petitioner will always be entitled for the surrendered earned leave, GPF, SPF *etc.* The law on this issue has been settled by the Division Bench of this Court in ***The Secretary to Government, Revenue Department, Secretariat & others v. K.Palaniyandi [2019 (5) CTC 19]***.

6. In view of the above, there shall be a direction to the third respondent to deal with the representation made by the petitioner on 01.07.2024 and direct payment of arrears of subsistence allowance to the



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petitioner within a period of six (6) weeks from the date of receipt of a copy of this order. That apart, subsistence allowance shall also be continued to be paid regularly every month till the departmental proceedings reaches its logical conclusion. Apart from that, irrespective of the result of the criminal case/departmental proceedings, the petitioner is entitled to receive the benefits such as surrendered earned leave, GPF, SPF *etc.* and the same cannot be deprived. Hence, those amounts shall be settled to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the third respondent along with all relevant documents and also a copy of this order.

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

25.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm



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To
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N.ANAND VENKATESH, J

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