



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.24396 of 2024

Muthunayagam

... Petitioner

Vs

1.The Commissioner for Milk Production and
Dairy Development,
Madhavaram Milk Colony,
Chennai – 600 051.

2.The General Manager,
Madurai District Co-operative Milk
Producer's Union Limited,
Sathamangalam,
Madurai – 625 020.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to pay the subsistence allowance during the period from the date termination of service to the date of superannuation i.e., 05.01.2006 to 31.10.2009 to the petitioner based on his representation dated 21.08.2024 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.K.Prabhu
Standing Counsel for R2



ORDER

The instant writ petition has been filed seeking a mandamus for payment of subsistence allowance from the date of suspension till the date of superannuation.

2.A perusal of the typed set of papers indicate that though the petitioner was suspended on 15.11.2003, the petitioner was dismissed by an order dated 04.01.2006. The petitioner has challenged the order of dismissal by filing W.P.(MD)No.8826 of 2008 and the same was allowed by setting aside the order of dismissal. However, in an appeal filed by the Management, the Hon'ble Division Bench in W.A.(MD)Nos.980 of 2016 and 942 of 2019 has partly allowed the writ appeal. Though, it was partly allowed, the order of dismissal was confirmed by the Hon'ble Division Bench. In such circumstances, the petitioner cannot seek a mandamus for disbursement of subsistence allowance till the date of his retirement.

3.In view of the above said facts, there are no merits in the writ petition. Accordingly, this writ petition stands dismissed. No costs.

17.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

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