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Cont.P.No.951 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.No.951 of 2025

C.Subramani

....

Petitioner

Vs

A.Shanmuga Sundaram, IAS.,
Managing Director,
Tamil Nadu Civil Supplies Corporation,
No. 10, Thambuswamy Road,
Chennai - 600 010.

....

Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, pleaded to punish the respondent for the wilful disobedience and disrespect of the order of this Court in W.P.No. 9623 of 2024 dated 31.07.2024.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.R.Neelakandan
Additional Advocate General
Asst by Mr.C.Selvaraj, SC

ORDER

This Contempt Petition has been filed to punish the respondent for non-compliance of the order dated 31.07.2024 passed by this Court in W.P.No.9623 of 2024, thereby directed the respondent to settle the



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arrears of subsistence allowance from 30.09.2023 and to continue the subsistence allowance till the completion of the disciplinary proceedings within a period of four weeks.

2. The learned Additional Advocate General appearing for the respondent submitted that the petitioner is facing charges for the offences punishable under Sections 166, 167, 420 and 120B of IPC in Crime No.1 of 2022 on the file of the Inspector of Police, CBCID North Police Station, Vellore. He further submitted that the investigation is still pending. Further, since the petitioner and other officers had misappropriated more than Rs.200 crores by procuring paddy from the farmers, therefore, the disciplinary proceedings could not be completed as against the petitioner and other delinquents.

3. Insofar as the subsistence allowance is concerned, the petitioner is entitled for subsistence allowance only for a period of six months from the date of his superannuation. He relied upon the Fundamental Regulation clause 13(c), which reads as follows:

FR 13(c) : “A Government servant under



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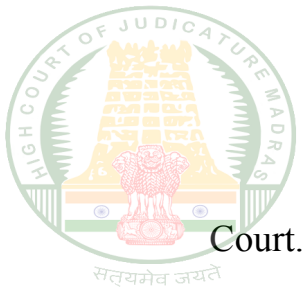


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suspension shall be eligible for subsistence allowance only upto a period of six months from the date of his retirement, beyond which no subsistence allowance shall be paid unless the authority competent to continue the disciplinary proceedings records in writing the reasons for such continuance and authorizes payment”.

4. Accordingly, the petitioner was paid subsistence allowance for a period of six months even after his superannuation, which is also admitted by the learned counsel for the petitioner. As per the Fundamental Regulation 13(c), the petitioner is not entitled for subsistence allowance after a period of six months from the date of his superannuations, since the disciplinary proceeding is still pending.

5. The learned counsel appearing for the petitioner would submit that from 01.10.2023 the petitioner was refused to pay any subsistence allowance and kept the petitioner under suspension. On the other hand, the respondent has chosen to proceed with the disciplinary proceeding, while simultaneously resisting the petitioner's request to defer the disciplinary proceedings till the completion of the criminal prosecution. This contempt petition has been filed only on the ground that the respondent failed to comply with the direction issued by this



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6. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondent. Perused the materials available on record.

7. It is seen that the direction issued by this Court has already been complied with by the respondent. As such, no contempt is made out as against the respondent.

8. Accordingly, the Contempt Petition is closed. However, the petitioner is at liberty to challenge the disciplinary proceedings in the manner known to law, if so advised.

18.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.
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