



WEB COPY

W.A.No. 1068 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 1068 of 2025
and
C.M.P.No. 8543 of 2025

1.The Director of Social Welfare,
and Women Empowerment Department,
Panagal Maligai 2nd Floor,
Saidapet, Chennai - 600 015.

2.The District Project Officer,
O/o. the District Project Office,
Integrated Child Development Services (ICDS),
Collectorate, Coimbatore.

3.The Child Development Project Officer,
O/o. the Child Development Project Office,
Aanaimalai Block, Coimbatore District.

... Appellants

Vs.

N.Malliga

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 07.12.2023 made in W.M.P.No.32845 of 2023 in W.P.No.33154 of 2023.



WEB COPY

W.A.No. 1068 of 2



For Appellants : Mr.T.Chandrasekaran
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

We do not see any reason to interfere with the interim order passed by the learned single Judge.

2. Admittedly, the petitioner in the writ petition was not allowed to retire and she was suspended a few days before she attained the age of superannuation. She was also retained in service. Once the employee is retained in service, a duty is cast on the Employer to pay subsistence allowance, in view of Rule 53(1) of the Fundamental Rules of the Tamil Nadu Government.

3. The fact that the employee is not entitled to pension will not make any difference. The learned single Judge has rightly held that she is not entitled to pension but, she would be entitled to subsistence allowance. Hence, we see no reason to interfere with the order of the learned single



W.A.No. 1068 of 2

Judge. This Writ Appeal therefore, fails and it is accordingly, **dismissed**.

No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

(R.S.M., J.) (G.A.M., J.)
08.04.2025

kkn

Index: No
Speaking order
Neutral Citation : No

To:-

- 1.The Director of Social Welfare,
and Women Empowerment Department,
Panagal Maligai 2nd Floor,
Saidapet, Chennai - 600 015.
- 2.The District Project Officer,
O/o. the District Project Office,
Integrated Child Development Services (ICDS),
Collectorate, Coimbatore.
- 3.The Child Development Project Officer,
O/o. the Child Development Project Office,
Aanaimalai Block, Coimbatore District.



WEB COPY



W.A.No. 1068 of 2

R.SUBRAMANIAN, J.
and
G. ARUL MURUGAN, J.

KKN

W.A.No. 1068 of 2025
and
C.M.P.No. 8543 of 2025

08.04.2025