

W.A.(MD)No.684 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.684 of 2025

A.Olivia Nesa Rajakani

... Appellant

Vs.

1. The Special Commissioner of Revenue Administration,
Revenue Department,
Chepauk, Chennai 600 005.

2. The Personnel Assistant (General) to the District Collector,
Tirunelveli District, Tirunelveli 627 009.

3. The District Backward Classes and Minorities Welfare Officer,
Collector Campus, Tirunelveli 627 009. ... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent
against the order of this Court in W.P(MD)No.6941 of 2024, dated
04.11.2024.

For Appellants : Mr.S.Stalin Muthu

For Respondents : Mr.M.Sarangan

Additional Government Pleader



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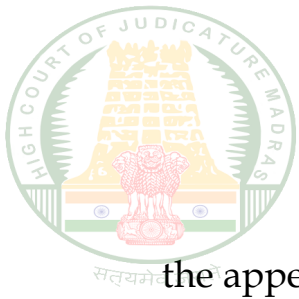
JUDGMENT

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(Judgment of the Court was delivered by **J.NISHA BANU, J.**)

This writ appeal is directed against the order made in W.P(MD)No.6941 of 2024, dated 04.11.2024.

2. The appellant / writ petitioner was working as a Junior Assistant in the 3rd respondent office. She was placed under suspension on 18.12.2009 on the ground of her involvement in a criminal case and ultimately, she was convicted under Section 7 of the Vigilance and Anti-corruption Act, 1988 by the Chief Judicial Magistrate Court-cum-Special Court, Tirunelveli, on 24.02.2020 in S.C.No.51 of 2014. In the meantime, the appellant attained the age of superannuation on 30.06.2019, but she was not permitted to retire and was retained in service. According to the appellant, till January 2020, she was paid with subsistence allowance and thereafter, the same was not paid. In view of the conviction in the criminal case, the appellant was dismissed from service by order dated 05.10.2020. Challenging the said dismissal order,



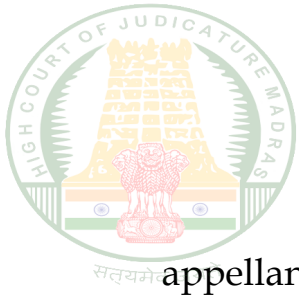
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the appellant filed the writ petition and the Writ Court finding that there is no scope to interfere with the order of dismissal, closed the writ petition with a direction to pay subsistence allowance to the appellant from the date of suspension till the date of dismissal from service. Aggrieved by the said order, the writ petitioner has come up with this appeal.

3. Though the appellant has filed this appeal contending that the Writ Court failed to direct the respondents to grant provisional pension to her, it is well known that dismissal from service can result in forfeiture of the benefits like, leave and pension. Against the conviction, the appellant has filed criminal appeal before this Court. If she succeeds in his appeal, she can be given all the benefits as that of a regular employee. Therefore, we are not inclined to interfere with the order passed by the Writ Court.

4. While we dismiss the writ appeal, we direct the respondents to pay the amount of subsistence allowance payable to the



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appellant for the period between 24.02.2020 and 05.10.2020, which is quantified at Rs.65,454/- (Rupees Sixty Five Thousand Four Hundred and Fifty Four only), within a period of four weeks from the date of receipt of a copy of this judgment. No costs.

[J.N.B., J.] [S.S.Y., J.]
01.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
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