



WEB COPY



W.P. No.1212 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.1212 of 2026

R.Radha

Petitioner

Vs

1. The Chief Engineer
(Agricultural Engineering),
Agricultural Engineering Department
Anna Salai,
Nandanam Chennai-600 035.

2.The Superintending Engineer
(Agricultural Engineering)
Agricultural Engineering Department
Annasalai, Nandanam,
Chennai-600 035.

3.The Executive Engineer
(Agricultural Engineering)
Nandanam Division, Anna salai,
Nandanam, Chennai-600 035

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to pay the subsistence allowance a sum of Rs.1,11,288/- as arrears for the months of September, October, November, December as already paid as subsistence allowance paid in the month of August in the light of the Fundamental Rules 53(1)(a) and the representations preferred by the petitioner dated 3.10.2025, 1.11.2025 and 1/6



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further direct the respondents to continue to pay the subsistence allowance till the criminal case is over.

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For Petitioner : Mr.A. Ansar

For Respondents : Mr.M. Rajendiran

Addl. Govt. Pleader

ORDER

The relief sought in this writ petition is for a direction to the respondents to pay the subsistence allowance a sum of Rs.1,11,288/- as arrears for the months of September, October, November, December as already paid as subsistence allowance paid in the month of August in the light of the Fundamental Rules 53(1)(a) and the representations preferred by the petitioner dated 3.10.2025, 1.11.2025 and further direct the respondents to continue to pay the subsistence allowance till the criminal case is over.

2. It is stated that the petitioner was working as an Assistant in the Agricultural Engineering Department. Two criminal cases in Crime Nos.156 of 2008 and 163 of 2008 were registered against her, pursuant to which she was placed under suspension on 24.03.2008. The suspension was revoked in 2011 pursuant to orders of this Court and she was permitted to rejoin duty. Though the petitioner attained the age of superannuation in 2012, her services were



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retained by the respondents on the ground of pendency of criminal cases and she has not been permitted to retire till date. She was paid subsistence allowance up to August 2025, but no subsistence allowance has been paid thereafter, despite repeated representations. Hence this writ petition.

3. Learned counsel for the petitioner submitted that the petitioner has been under suspension for an inordinately long period and has not been allowed to retire even after attaining superannuation. He further submitted that the petitioner, who is a septuagenarian, is dependent solely on subsistence allowance for survival, and non-payment from September 2025 onwards is arbitrary and illegal. Hence, a direction is sought to consider the petitioner's representations, lastly on 01.12.2025 and pass appropriate orders regarding suspension and subsistence allowance.

4. Learned Additional Government Pleader appearing for the respondents submitted that due to criminal cases, the petitioner has not been permitted to retire. However, he submitted that he has no objection for issuance of suitable directions in the above regard.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. On perusal of records, it is noted that the petitioner was suspended in the year 2008 and reinstated in 2011, and again placed under suspension in



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2012. It is the submission made by the learned counsel for the petitioner that the petitioner has not been permitted to retire till date. It is also not disputed that subsistence allowance has not been paid from September 2025 onwards. Therefore, this Court is of the view that the petitioner's representations have to be considered at an early date particularly in view of the prolonged suspension and non-payment of subsistence allowance.

7. Considering all, this Court without going into the merits of the case as well as pending criminal cases, directs the respondents to consider the petitioner's representations dated 3.10.2025 and 1.11.2025 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition stands disposed of. No costs.

21-01-2026

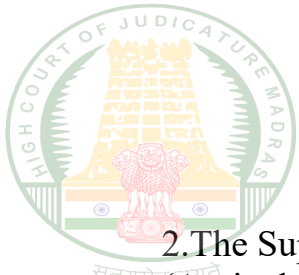
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI-2

To

1. The Chief Engineer
(Agricultural Engineering),
Agricultural Engineering Department
Anna Salai,
Nandanam Chennai-600 035.

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2.The Superintending Engineer
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Agricultural Engineering Department
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3.The Executive Engineer
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M.DHANDAPANI J.

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