

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.20356 of 2015

&

M.P.Nos.1 and 2 of 2015

The Commissioner
Pollachi Municipality
Pollachi

...Petitioner

Vs.

1.P.Parvathy

2.The Assistant Commissioner of Labour/Authority
under Payment of Subsistence Allowance
Office of Deputy Commissioner of Labour
Coimbatore

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the 2nd respondent in P.S.A.No.03 of 2012 dated 29.01.2013 to quash the same.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.G.B.Saravana bhavan for R1
Mr.R.Rajeswaran Spl.G.P for R2

ORDER
सत्यमेव जयते

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. The petitioner as the Pollachi Municipality has filed this writ petition challenging the order passed by the 2nd respondent computing the subsistence allowance payable to the 1st respondent during the period when she was place under suspension.

3. Facts are not in dispute, as the 1st respondent was placed in suspension during the relevant period and subsequently dismissed from service. It appears that the 1st respondent has not challenged the order of dismissal. The charge against the 1st respondent was that she impersonated one other person of the

same name and secured employment in the Municipality. The other person who also had the name R.Parvathy, filed the original application before the Tamilnadu Administrative Tribunal in O.A.No.9995/1996 not to allow the 1st respondent herein who was the 5th respondent in that application to function as class Iv employee of the Municipality. The said original application was transferred to this Court after the abolition of Tribunal and renumbered as W.P.26303 of 2006. The court found that the 1st respondent had impersonated the other Parvathy and secured employment and accordingly while allowing the writ petition by order dated 30.04.2009 directed the Municipality to initiate disciplinary action against the 1st respondent herein. Consequent to such direction the 1st respondent was placed under suspension with effect from 10.04.2009 and disciplinary proceedings were initiated and ultimately she was dismissed from service. It is not in dispute that during the period of suspension the 1st respondent was not paid subsistence allowance. Therefore, she has rightly approached the 2nd respondent Authority to compute the benefits which had been computed by the impugned order.

4. In the light of the above, there is no error in the order passed by the 2nd respondent and accordingly the writ petition fails and is dismissed. Petitioner Municipality is directed to settle the entire amount as awarded by the 2nd respondent within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Assistant Commissioner of Labour/Authority
under Payment of Subsistence Allowance
Office of Deputy Commissioner of Labour
Coimbatore

+ 1 cc to Mr.G.Sankaran, Advocate, SR 17172

+ 1 cc to Govt.Pleader, High Court, Madras SR 16551

kgk(co)
prk23/3

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