

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.28087 of 2015

P.Balasundaram

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Limited,
Villupuram.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram),
Villupuram

... Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents to consider and pass orders on the representation dated 11.8.2015 to disburse 50% of the pay as subsistence allowance for the suspension period along with provident fund and gratuity amount till revocation of the suspension order.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.P.Paramasivadosh,
Standing Counsel

ORDER

This Writ Petition is filed to issue a Writ of Mandamus to direct the Respondents to consider and pass orders on the representation dated 11.8.2015 to disburse 50% of the pay as subsistence allowance for the suspension period along with provident fund and gratuity amount till revocation of the suspension order.

2. The learned counsel for the Petitioner has submitted that when the Petitioner was about to retire on 31.05.2015, he was suspended on 27.05.2015 and not allowed to retire. Apart from that, even though as per Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 50% of the

wages as subsistence allowance shall be paid to an employee during the period of suspension, yet till date, the same has not been paid to the Petitioner and stating so, he also made a representation dated 11.8.2015. Even after receipt of the said representation, the Petitioner has not been paid such subsistence allowance and no enquiry commenced and no charges have been framed and nothing has happened.

3. On the above said contentions, this court heard the learned standing counsel for the Respondents, who would contend that as per the pension rules, the case of the Petitioner will be considered, in accordance with law.

4. Taking into consideration of the fact that as per Section 3 of the Act, when the Petitioner has been suspended, he is automatically entitled to be paid 50% of the wages, which the employee was drawing immediately before suspension. Therefore, the Respondents are directed to consider and dispose of the representation of the Petitioner dated 11.08.2015, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Srcm

To:

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Limited,
Villupuram.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram),
Villupuram.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.33966
+1cc to Mr.P.Paramasivadoss, Advocate, S.R.No.34176

W.P.No.28087 of 2015

LRS (CO)

CA/18/07/2016)

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