



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A.(MD)No.830 of 2017

The President,
A.2932 State Bank of India
Supervisor and Public Services
Co-operative Housing Society Limited,
Through its Special Officer,
Madurai.

...Appellant

-Vs-

1.N.Pitchai

2.The Deputy Registrar (Housing),
Madurai Region, K.K.Nagar,
Madurai-625 020.

...Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 28.04.2014 made in W.P.(MD)No.5408 of 2014 on the file of this Court.

Prayer in WP(MD). 5408/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, in the nature of Writ, directing the respondents to pay the Subsistence Allowances to the petitioner from 26.11.2012 to till date as per Section 3 of the Tamil Nadu Payment of Subsistence Allowances Act 1981 .

For Appellant : Ms.N.Juliet Latha

For Respondents : No appearance



[Judgment of the Court was made by G.R.SWAMINATHAN, J.]

This writ appeal has been filed against the order dated 28.04.2014 made in W.P.(MD)No.5408 of 2014.

2.The said writ petition was filed by the first respondent herein. The case of the first respondent was that he was working as a Secretary in the appellant's society and that he was placed under suspension. But he was not paid subsistence allowance for the period of suspension. Therefore, seeking payment of subsistence allowance, he filed the said Writ Petition. The learned Judge allowed the writ petition and directed the Society to pay the subsistence allowance for the period in question. Aggrieved by the same, this writ appeal has been filed .

3.When the writ appeal was taken up for disposal, the learned counsel appearing for the appellant's Society submitted that they have already paid the arrears of subsistence allowance to the first respondent.

4.We place on record the said submission. All that has been directed by the order impugned in this writ appeal is direction to pay the subsistence allowances for the suspension period. Unless the suspended employee is paid subsistence allowance, he cannot even survive. Therefore no exception can be taken to the direction issued by the learned Single Judge. This writ appeal is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub-Assistant Registrar

skm/smi

RL/2C/2P/KP/SAR1/10/8/2017

W.A. (MD)No.830 of 2017

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