

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE SATRUGHANA PUJAHARI

WMP No.24484 of 2017

in W.M.P.Nos.12439 & 12440 of 2017

IN WP.11458/2017

P.JAYAKUMAR

[PETITIONER]

Vs

1 THE MANAGEMENT

[RESPONDENTS]

TAMIL NADU STATE TRANSPORT CORPORATION,
(COIMBATORE) LTD., COIMBATORE-43

2 DEPUTY COMMISSIONER OF LABOUR

COIMBATORE (APPELLATE AUTHORITY ACTING AS
UNDER PAYMENT OF SUBSISTENCE ALLOWANCE ACT)

3 ASSISTANT COMMISSIONER OF

LABOUR COIMBATORE (AUTHORITY ACTING AS UNDER
PAYMENT OF SUBSISTENCE ALLOWANCE ACT)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Vacate the Stay granted by this Honble Court on 01.06.2017 in WMP No.12439 & 12440 of 2017 in WP No.11458 / 2017.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.KRISHNASWAMY, Advocate for the petitioner and of MR.P.KANNANKUMAR, Advocate on behalf of the 1st Respondent, the court made the following order:-

Heard the learned counsel for the petitioner/ 3rd respondent/workman in this writ miscellaneous petition.

2. It appears that the writ petition has been filed challenging an order of the Appellate Authority directing payment of subsistence allowance to the tune of Rs.1,39,513/- by the employer / Transport Corporation, wherein, an order of stay has been granted. Now the petitioner /3rd respondent/Workman wants vacation of the same.

3. This Court while issuing notice in the writ petition, has granted an order of interim stay of the impugned order passed by the second respondent/Assistant Commissioner Labour, Coimbatore, which has been confirmed by the first respondent, the Appellate Authority/Deputy Commissioner of Labour, Coimbatore.

4. This vacation of stay has been filed by the workman with the averment that since the aforesaid is subsistence allowance, this Court should vacate the order of stay. However, it is not disputed that in the meanwhile the petitioner has been reinstated and now continuing the suspension. So also it is not disputed by the writ petitioner that the workman is entitled to an amount of Rs.32,888/-, though the disputes regarding his entitlement to Rs.1,39,530/-. In such view of the matter, this Court is not inclined to vacate the order of stay, but dispose of the writ miscellaneous petition No.24484 of 2017, with a direction to the writ petitioner/Management to deposit the aforesaid amount by 15th of April with the Assistant Commissioner of Labour, Coimbatore in PSA No.2 of 2013 and on such deposit, the amount shall be disbursed by the Assistant Commissioner of Labour, Coimbatore to the petitioner /3rd respondent /workman concerned, within two weeks from thereof.

-sd/-

13/03/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DEPUTY COMMISSIONER LABOUR
COIMBATORE (APPELLATE AUTHORITY ACTING AS
UNDER PAYMENT OF SUBSISTENCE ALLOWANCE ACT)

2 THE ASSISTANT COMMISSIONER
LABOUR COIMBATORE (AUTHORITY ACTING AS UNDER
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C.C. to M/S.R.KRISHNASWAMY & V.AJOY KHOSE Advocate SR.NO. 3065

C.C. to M/S.P.KANNAN KUMAR Advocate SR.NO. 3190

Order

in
WMP.24484/2017

in
W.M.P.Nos.12439 & 12440 of 2017

in
WP.11458/2017

Date :13/03/2018

From 26.2.2001 the Registry is issuing certified
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