

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.2844 of 2018 and

WMP No.3508 of 2018

Management,
K. Muhammed Basheer & Co.,
No.150/2A, M.C. Road,
Vinnamangalam, Minnur,
Ambur-635807
Vellore District Petitioner
vs

1.T. Gopi(416)

2. Assistant Commissioner,
Labour Department,
Vellore, Vellore District

3. Appellate Authority under Payment of subsistence
Allowance Act 1981,
Deputy Commissioner,
Vellore Respondents

Writ Petition is filed under Article 226 of the
Constitution of India, praying for the issue of a Writ of
Certiorari to call for the records of the third respondent in
P.S.A.(A) No.1 of 2016 dated 11.08.2017 and quash the same.

For Petitioner :: Ms.S. Thamizharasi

For R.2 & R.3 :: Mr.R.S. Selvam
Govt. Advocate

ORDER

The petitioner has filed the writ petition, challenging the
impugned order dated 11.08.2017, rejecting the appeal of the
petitioner, filed against a direction to pay subsistence
allowance for the period from 01.03.2015 to 15.05.2015, that

amounts to Rs.8,101/-, rejecting the case on the ground that the petitioner, inspite of having offered several opportunities, failed to appear before the appellate authority.

2. The learned counsel for the petitioner submitted that two chances were given to the petitioner to appear before the appellate authority but, for the reason that the H.R. Manager was on leave due to his outstation work during the period and therefore, the petitioner could not follow the case for two hearings and in the meanwhile, the impugned order has been passed.

3. This Court is not able to appreciate the explanation given by the petitioner for not appearing before the appellate authority. When the appeal has been filed against the order for a direction to pay subsistence allowance of Rs.8,106/-, they should have prosecuted the same diligently, whereas they failed to do so.

4. Having remained lethargic and showing lazy approach in pursuing the appeal, the petitioner cannot come to this Court for a remedy. Secondly, the amount, directed to be paid as subsistence allowance, is only a meagre amount for the period from 01.03.2015 to 15.05.2010. Therefore, this Court does not find any merit in the writ petition. The writ petition fails and the same is dismissed. No costs. Consequently, connected WMP is closed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sr

To

1. Assistant Commissioner,
Labour Department,
Vellore, Vellore District

2. Appellate Authority under Payment of subsistence
Allowance Act 1981,
Deputy Commissioner,
Vellore

+1 C.C. to M/S.S.Thamizharasi Advocate SR.NO. 10412

+1 C.C. to The Government Pleader SR.NO. 10625

W.P.No.2844/2018

VS 28.02.2018



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