



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8377 of 2018

and

W.M.P (MD) No.7926 of 2018

T.Sundaram

...Petitioner

Vs.

1) The Joint Registrar / Managing Director,
Madurai District Central Co-Operative Bank Limited,
187, North Veli Street, Madurai - 1

2) The Chairman,
Madurai District Central Co-Operative Bank Limited,
187, North Veli Street,
Madurai - 1

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the remaining subsistence allowance in terms of the Tamil Nadu Payment of Subsistence Allowance Act, 1981 and other monetary benefits arising out of the settlement dated 17.06.2013 under Section 12(3) of the Industrial Disputes Act 1947.

For Petitioner : Mr.C.Venkatesh Kumar

For Respondents : Mr.D.Shanmugaraja Sethupathi,
Standing Counsel

ORDER

The prayer sought for in the Writ Petition is for a Writ of Mandamus, directing the respondents to disburse the remaining subsistence allowance in terms of the Tamil Nadu Payment of Subsistence Allowance Act, 1981 and other monetary benefits arising out of the settlement dated 17.06.2013 under Section 12(3) of the Industrial Disputes Act 1947.

2. Heard Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioner and Mr.D.Shanmugaraja Sethupathi, learned standing counsel appearing for the respondents.

3. The petitioner was working at the second respondent Bank and on initiation of disciplinary proceedings, ultimately, he was terminated from service on 27.08.2015. During the pendency of the disciplinary proceedings, the petitioner was suspended from the



respondent Bank on 26.10.2012 and during the suspension period, the petitioner has been paid 50% of the salary as subsistence allowance.

4. The grievance of the petitioner is that, even though he was terminated, subsequently, on cancellation of the disciplinary proceedings, the petitioner would be entitled to get, after a period of six months from the date of suspension, full pay as subsistence allowance. Therefore, in this regard, the petitioner has given a representation on 06.01.2018 to the respondents, especially, the second respondent and the said representation is not considered and therefore, the petitioner is before this Court with this Writ Petition.

5. Learned counsel appearing for the petitioner would submit that, if the said representation of the petitioner is directed to be considered on merits and orders to that effect is directed to be passed, within a time frame that may be fixed by this Court, the petitioner would be satisfied.

6. I have heard Mr.D.Shanmugaraja Sethupathi, learned standing counsel appearing for the respondents, who would submit that, the said request of the petitioner dated 06.01.2018 would be considered on merits and in accordance with law.

7. In view of the submissions made by both the counsel, this Court is inclined to pass the following orders:-

"the grievance of full payment of subsistence allowance, during the suspension period and other benefits, as claimed by the petitioner in his representation, dated 06.01.2018, shall be considered and the respondents are directed to pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

8. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P(MD) No.7926 of 2018 is closed.

SD

ASSISTANT REGISTRAR (CS II)

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SUB ASSISTANT REGISTRAR (CS III)

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1CC TO M/S. AJMAL ASSOCIATES, ADVOCATES SR 72317

1CC TO MR. D. SHANMUGARAJA SETHUPATHI, ADVOCATE SR 72479

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