



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 27.09.2018
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.16741 of 2018
and
W.M.P (MD) No.14793 of 2018

E.Devarajan

..Petitioner

Vs

- 1.The District Collector,
Tiruchirappalli District.
 - 2.The Controlling Authority under the Payment of Subsistence Act,
The Assistant Commissioner of Labour,
The Office of Deputy Commissioner of Labour,
Tiruchirappalli District.
 - 3.The President,
Navalpattu Panchayat Union,
Navalpattu,
Srirengam Taluk and
Tiruchirappalli District.
 - 4.The Block Development Officer(panchayat),
Thiruverumbur Panchayat Union,
Tiruchirappalli District.
- ..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to recover the Subsistence Allowance amount of Rs.41,977/-together with 10% interest from 23.4.2013 as ordered by the second respondent in his order dated 8.7.2016 in P.S.No.4 of 2014 from the respondents 3 and 4 within the time stipulated by this Court.

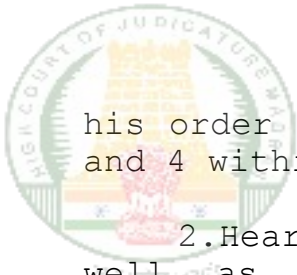
For Petitioner :Mr.K.K.Samy

For Respondents :Mr.S.Dhayalan,
1,2 and 4 Government Advocate

For Respondent-3 :No appearance

ORDER

The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Mandamus directing the first respondent to recover the Subsistence Allowance amount of Rs.41,977/-together with 10% interest from 23.4.2013 as ordered by the second respondent in



his order dated 8.7.2016 in P.S.No.4 of 2014 from the respondents 3 and 4 within the time stipulated by this Court.

2. Heard the learned counsel appearing for the Petitioner as well as the learned Government Advocate appearing for the respondents 1,2 and 4 and perused the materials placed before this Court. Even though notice was served on the third respondent and name printed in the cause-list, none appeared on behalf of the third respondent.

3. The case of the Petitioner is that he was appointed as Over Head Tank Operator in the third respondent Office on 1.3.1995 and rendered his continuous service till 23.4.2013 and he was placed under suspension between 23.4.2013 and 23.4.2016 and for the said period Subsistence Allowance was not paid. He moved an application under the Tamil Nadu Payment of Subsistence Allowance Act, 1981 for determining the amount due to him. The Controlling Authority passed an award dated 8.7.2014 determining the amount payable to the Petitioner. Against which, no appeal has been preferred by the management. After expiry of the appeal period, the Petitioner made an application to the Assistant Commissioner and after giving opportunity to the management, a Revenue Recovery Certificate was issued for a sum of Rs.41,977/- to be recovered from the respondents 3 and 4. As on date, the said amount has not been recovered. Hence the Petitioner has come forward with this Writ Petition.

4. When the said order has become final, the amount has got to be recovered and paid to the Petitioner. Hence the Collector and Tahsildar concerned would ensure that the amount payable to the Petitioner is recovered and remit the same to the second respondent/Controlling Authority to enable the Petitioner to withdraw the same. It is needless to see that the property of the Panchayat Union can be attached for the purpose of making disbursement due to the Petitioner. The above said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Tiruchirappalli District.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The Controlling Authority under the Payment of Subsistence Act,
The Assistant Commissioner of Labour,



The Office of Deputy Commissioner of Labour,
Tiruchirappalli District.

3.The Thasildhar,
Thiruverumbur Taluk, Trichy District.

4.The Block Development Officer(panchayat),
Thiruverumbur Panchayat Union,
Tiruchirappalli District.

+1cc to Mr.K.K.SAMY, Advocate, SR.No.87311

+1cc to M/s.Special Government Pleader,SR.No. 87293

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and

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VSN

KK/SKN/SAR-2/30.11.2018/3P-7C