



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH**

and

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.A. (MD) No.1306 of 2018**

and

**C.M.P. (MD) No.9382 of 2018**

The Management of  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Pudukkottai Region,  
Rep. by its General Manager,  
Pudukkottai.

: Appellant/Respondent

Vs.

T.Veerakumar

: Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of Writ Court dated 27.03.2018 made in W.P.(MD) No.2229 of 2018.

Prayer in WP(MD). 2229/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Mandamus directing the Respondent to forthwith pay subsistence allowance to the petitioner for the period from 28.01.2012, without affecting his right to get full wages and other benefits for the period from 28.01.2012 based on the outcome of the W.P. (MD) No.9512/2013.

For Appellant : Mr.D.Sivaraman

For Respondent : Mr.S.Arunachalam

### **J U D G M E N T**

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[Judgment of the Court was delivered by **M.M.SUNDRESH, J.**]

The learned Single Judge was pleased to direct the appellant to pay the subsistence allowance pending enquiry. Challenging the same, the present Writ Appeal has been filed.

2. The learned counsel appearing for the appellant would submit that the respondent is only a temporary employee. Therefore, being a daily delinquent employee, he is not entitled



for payment of subsistence allowance.

3. We do not find any merit in this appeal. Admittedly, an enquiry has been initiated against the respondent. He has been appointed through the Employment Exchange. Even, according to the learned counsel for the appellant, on successful completion of the requisite period, he will be made permanent. Even the appointment order says that the Contributory Pension Scheme would be applicable to the respondent. The Tamil Nadu Payment of Subsistence Allowance Act, 1981, does not differentiate with respect to the status of an employee as to whether permanent or temporary, as the case may be. Thus, when an enquiry is initiated and a delinquent employee is not permitted to work, pending the same, such subsistence allowance will have to be paid. After all, the object of subsistence allowance is to give some benefit to the delinquent employee to sustain himself and contest the departmental proceedings.

4. In such view of the matter, we do not find any error in the order of the learned Single Judge. While dismissing the appeal, the appellant is directed to comply with the order of the learned Single Judge, within a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS-I)

+1 CC To MR.S.ARUNACHALAM, Advocate SR. NO.87028

+1 CC To MR.D.SIVARAMAN, Advocate SR. NO. 87241

Judgment made in  
**W.A. (MD) No.1306 of 2018**  
Dated: **26.09.2018**

SML

TR/SKN/SAR-I (26.10.2018) 2P 3C