



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

C O R A M

**THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU**

W.P. (MD) Nos. 4596 and 4743 of 2012

and

M.P (MD) No.1 of 2012

in

W. P (MD) No. 4596 of 2012

Puliyoor Salai Primary Agricultural

Co operative Bank,

Y-128, Mancodu Post,

Kanyakumari District,

Rep by its Special Officer.

... Petitioner in both W.Ps

Vs.

1.The Assistant Commissioner of Labour,

Authority under Tamil Nadu Payment of

Subsistence Allowance Act, Palayamkottai,

Tirunelveli District. ...1<sup>st</sup> Respondent in both W.Ps

2.C.P.Sreekumaran

...2<sup>nd</sup> Respondent in

W.P (MD) No.4596 of 2012

3.A.K.Kala

...2<sup>nd</sup> Respondent in

W.P (MD) No.4743 of 2012

**COMMON PRAYER:** Writ Petitions filed under Article 226 of the constitution of India, to issue a writ of Certiorari, to call for the records relating to the impugned order of the First Respondent in his file PSA Nos.9 and 7 /2010, dated 15.02.2012 and quash the order of the First Respondent respectively.

For Petitioner in both

W.Ps

: Mr.P.Santhanakrishnan

For R1 in both W.Ps

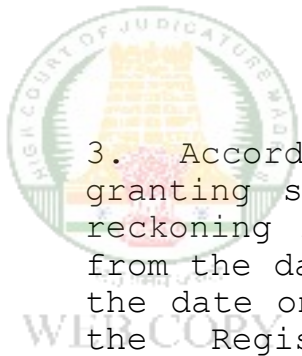
: Mr.D.Gandhiraj

Government Advocate

**COMMON ORDER**

Heard Mr. P. Santhanakrishnan, Learned Counsel for the Petitioner and Mr. D. Gandhiraj, Learned Government Advocate appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. When it is pointed out by the Learned Counsel appearing for the First Respondent that the Petitioner has got an effective alternative remedy to challenge the impugned order in an appeal under Rule 5-A of the Tamil Nadu Payment of Subsistence Allowance Rules, 1981, before the concerned Deputy Commissioner of Labour, Learned Counsel for the Petitioner seeks permission of this Court to withdraw these Writ Petitions with liberty to resort to the aforesaid procedure. He has also filed a memo dated 21.06.2021 to that effect, which is placed on record.



3. Accordingly, these Writ Petitions are dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petitions, viz., 03.04.2012 till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Assistant Commissioner of Labour,  
Authority under Tamil Nadu Payment of  
Subsistence Allowance Act, Palayamkottai,  
Tirunelveli District.

Copy to:

1.The Special Officer,  
Puliyoor Salai Primary Agricultural  
Co operative Bank,  
Y-128, Mancodu Post,  
Kanyakumari District.

2.The Section Officer,  
ER Section,  
Madurai Bench of Madras High Court,  
Madurai.

(to return the original copy of the impugned orders to the  
Petitioner under written acknowledgment after retaining copies of  
the same for record.)

W.P. (MD) Nos.4596 and 4743 of 2012  
and

M.P (MD) No.1 of 2012  
in

W.P (MD) No.4596 of 2012  
21.06.2021

KK(08.07.2021) 2P 4C