



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.21419 of 2016

P.Sankaranarayanan

:Petitioner

-Vs-

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Madurai District.

2.The Deputy Collector / District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Konam, Nagercoil, Kanyakumari District.

:Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to grant the arrears subsistence of allowance to the petitioner for the period of suspension from 30.12.2013 to 10.09.2015 and also grant other attended and monetary benefits which the petitioner is entitled for.

For Petitioner :Mr.S.Sankar for M/s.B.Tamilvidhi

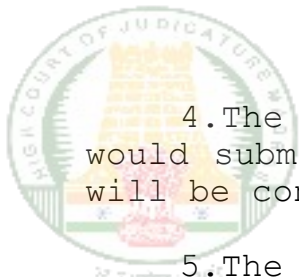
For Respondents:Mr.S.Ramakrishnan for Mr.B.Jameel Arasu
Standing counsel

ORDER

This writ petition has been filed for a direction to the second respondent to grant arrears of subsistence allowance to the petitioner for the period of suspension from 30.12.2013 to 10.09.2015 and also grant other attended and monetary benefits.

2.The case of the petitioner is that while he was working as Supervisor, a criminal case in Crime No.391 of 2013 was registered against him. Subsequently, the second respondent has suspended the petitioner from service on 30.12.2013. Challenging the said order, the petitioner has filed a petition in W.P.(MD).No.5881 of 2015 before this Court. This Court, by order dated 17.04.2015, directed the second respondent either to conclude the disciplinary proceedings or reinstate the petitioner. Accordingly, the second respondent has passed an order, dated 10.09.2015, reinstating the petitioner into service. Even after reinstatement, the subsistence allowances are not paid to the petitioner. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3.The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to pay the subsistence allowance, if otherwise eligible.



4.The learned Standing counsel appearing for the respondents would submit that the petitioner's representation dated 03.10.2016, will be considered in accordance with law.

5.The issue involved in the present writ petition is no more *res integra* and this Court in W.P.(MD).No.379 of 2013, held that, *The Tamil Nadu Legislature has passed the Tamil Nadu Payment of Subsistence Allowance Act, 1981 (Act 43 of 1981) providing for subsistence allowance in case of any workman who is suspended. Under Section 3 of Act 43 of 1981, it is stated that an employee who is placed under suspension shall, during the period of such suspension, be entitled to receive payment from the employer as subsistence allowance.*

6.In view of the above, this Court has no hesitation to issue a direction to the respondents to pay the eligible subsistence allowance to the petitioner, as per the Tamil Nadu Payment of Subsistence Allowance Act, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

ASSISTANT REGISTRAR(RTI Act)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR(CS)

To

1.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation (TASMAC),Madurai District.

2.The Deputy Collector / District Manager,
Tamil Nadu State Marketing Corporation (TASMAC),
Konam, Nagercoil, Kanyakumari District.

+1 CC to M/s.B.TAMIL NIDHI, Advocate (SR-8190[F] dated 02/03/2021)

+1CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-8310[F]2/03/2021)

akv (PA) AC (CO)
SMN/12.05.2021/2P/5C.

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