



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.2309 OF 2014

AND

M.P.NO.1 OF 2014

1317, Adaiyur Co-operative Primary  
Agricultural Co-operative Credit Society Ltd.,  
Represented by its President,  
Adaiyur Post, Edapadi Taluk,  
Salem District.

...Petitioner

Vs.

1.The Authority under the Payment of  
Subsistence Allowance Act/  
Assistant Commissioner of Labour,  
O/o.Deputy Commissioner of Labour,  
Salem.

2.R.Sekar  
S/o.Ramasamy

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the first respondent in his order in P.S.A.No.1/2013 dated 12.09.2013 and quash the same.

For Petitioner : Mr.M.S.Palanisamy

For Respondents : Mrs.R.L.Karthika  
Government Advocate [R1]  
Mr.K.V.Shanmuganathan [R2]

O R D E R

The petitioner Adaiyur Co-operative Primary Agricultural Co-operative Credit Society Ltd. filed this writ petition challenging the order passed in P.S.A.No.1/2013 dated 12.09.2013 holding that the second respondent employee of the petitioner society is entitled for subsistence allowance.

2. Though the order passed by the competent authority under the Tamil Nadu Payment of Subsistence Allowance Act, 1981, is



challenged in the present writ petition, learned counsel for the petitioner contended that the management was willing to settle the subsistence allowance in favour of the second respondent. The cheque was made ready during the relevant point of time for a sum of Rs.66,732/- and the second respondent employee also was informed about the same. However, the second respondent has not chosen to accept the subsistence allowance paid by the petitioner management.

3. Learned counsel appearing for the petitioner made a submission that the cheque was made ready long back and the second respondent has not received the same from the petitioner society. Learned counsel now brought the cheque to hand over the same to the learned counsel appearing for the second respondent, who, in turn, stated that the cheque is to be handed over to the second respondent himself.

4. This being the factum, the second respondent is at liberty to collect the subsistence allowance of Rs.66,732/- from the petitioner management and in respect of further claim regarding subsistence allowance or otherwise, the second respondent may approach the competent authority for redressal of his grievance.

With this observation, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

gm

To

The Assistant Commissioner of Labour,  
The Authority under the Payment of Subsistence Allowance Act  
O/o.Deputy Commissioner of Labour,  
Salem.

+1cc to Mr.M.S.Palanisamy, Advocate Sr.No.37256

+1cc to the Government Pleader Sr.No.37682

Writ Petition No.2309 of 2014

SKM(CO)  
RVM(06/07/2022)