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W.P.No.14738 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14738 of 2017

T.Soundarpandian

... Petitioner

Vs.

Mrs.Sasikala
Deputy Commissioner of Labour,
(Commissioner for Women's Compensation),
IV Floor, New Building,
Collector Office Compound, Salem – 1.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to grant the Subsistence Allowance to the petitioner from the date of Non-payment (01.02.2015) to till date.

For Petitioner : Ms.G.Rama Dhevi

For Respondent : Mr.G.Nanmaran
Special Government Pleader



ORDER

The relief sought for in the present writ petition is to direct the respondent to grant subsistence allowance to the petitioner from the non payment to till the date of order suspension was withdrawn.

2. The learned Special Government Pleader appearing on behalf of the respondent brought to the notice of this court that the petitioner is eligible for subsistence allowance. However, it was not paid in view of the order passed in CMA.No.211 of 2015 dated 22.06.2015.

3. The Subsistence Allowance is a right of an employee and it is granted towards livelihood. Thus, the right of subsistence allowance, at no circumstances is denied. Since the trial against the writ petitioner is pending, this Court in Civil Miscellaneous Appeal passed an order not to grant subsistence allowance.

4. This Court is of the considered opinion that the subsistence allowance is a right of an employee conferred under the rules which cannot be denied even in case, where there is an allegation of misappropriation,



corruption or otherwise. Subsistence allowance being a livelihood, it is to be paid as per the rules in force.

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5. Thus, the respondent is directed to settle the subsistence allowance dues to the writ petitioner within a period of 12 weeks from the date of receipt of a copy of this order. In view of recovery, financial loss or otherwise, all appropriate steps may be taken in the manner known to law.

6. With the above direction, the Writ Petition stands allowed. No costs.

29.11.2022

Jeni
Index : Yes
Speaking order

To

The Deputy Commissioner of Labour,
(Commissioner for Women's Compensation),
IV Floor, New Building,
Collector Office Compound, Salem – 1.



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S.M.SUBRAMANIAM, J.

Jeni

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