



W.P.(MD) No.5527 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.5527 of 2020

D.Paulpandi

... Petitioner

-VS-

The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bye-pass road
Madurai.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the respondent in gh;it:kJiu rl;l;lk;/17971/2014 dated 30.05.2018 and quash the same as illegal and consequently direct the respondent to sanction the subsistence allowance for the period while the petitioner was under suspension within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.J.Senthil Kumaraiah



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ORDER

Challenging the impugned order of the respondent dated 30.05.2018 and for a consequential direction to the respondent to sanction the subsistence allowance for the suspension period, the petitioner is before this Court with this writ petition.

2.The case of the petitioner is that he was appointed as Driver from 12.03.2013. On 06.08.2014, while he was riding the bus belong to the respondent Corporation, the bus driven by the petitioner met with an accident and the rider of the two wheeler succumbed to the injury. Therefore, a case in Crime No.119/2014 was registered, pursuant to which, the petitioner was suspended by the respondent. A charge memo has been given on 23.08.2014 and the petitioner submitted his explanation on 15.09.2017. While the petitioner was under suspension, the subsistence allowance was not paid to the petitioner and hence, the petitioner filed W.P.(MD) No. 17871/2014 and this Court disposed of the said writ petition on 20.10.2014. Even though the said order was passed as early as in the year 2014, the



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petitioner was not paid the subsistence allowance and hence, the petitioner approached the respondent by way of representation. However, the impugned order has been passed rejecting the representation of the petitioner stating that subsistence allowance can only be granted to the permanent employee of the Corporation and since the accident has occurred when the petitioner was working as temporary employee, the case of the petitioner was rejected, challenging which, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that a similarly placed person, by name, K.Kalimuthu, who was a reserve driver, was also paid subsistence allowance, however, the case of the petitioner was rejected, which is not tenable. It is his further contention that the petitioner was subsequently dismissed from service in the year 2015, challenging which, the petitioner raised an industrial dispute and hence, he prays for appropriate direction and liberty may be granted to the petitioner to submit fresh application after disposal of the ID.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. It is not in dispute that pursuant to a criminal case registered, the petitioner was placed under suspension during the year 2014. Subsequently, a dismissal order came to be issued to the petitioner on 18.06.2015. Challenging the said dismissal, the petitioner raised an industrial dispute and the same is pending. Hence, liberty is granted to the petitioner to submit a fresh application to the respondent, after disposal of the industrial dispute.

6.The writ petition is disposed of with the aforesaid liberty. No costs.

22.12.2022

Index : Yes/No
Internet : Yes
RR

To
The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Bye-pass road
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M.DHANDAPANI, J.

RR

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