



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.[MD].No.11681 of 2021

and

W.M.P.[MD].No.9186 of 2021

N.Paramasivan

... Petitioner

Vs.

The District Manager,
O/o.TASMAC Limited,
Thoothukudi.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent under its proceedings Na.Ka.No.A2/501/2021 dated 14.05.2021 and quash the same as ultra virus, illegal, not valid in law and consequently, directing the respondent to permit the petitioner to continue his service as Assistant Salesman in Shop No.9970 situated at Selvanayagapuram, Tuticorin District with continuity of all monetary, service benefits within a stipulated period of time as may be fixed by this Court.

For Petitioner :Mr.M.Ponniah

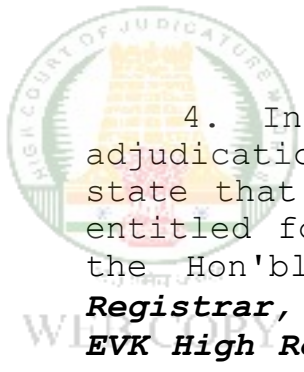
For Respondent : Mr.H.Arumugam
Standing Counsel

O R D E R

This Writ Petition has been filed as against the order of suspension passed by the respondent in Na.Ka.No.A2/501/2021 dated 14.05.2021.

2. When the matter is taken up for hearing, learned Standing Counsel appearing for the respondent submits that the order of suspension is revoked.

3. The learned counsel appearing for the petitioner concurs with the above fact and submits that the petitioner was not paid with subsistence allowance, during the period of suspension.



4. In view of the above submission, nothing survives for adjudication in the present petition. However, it is needless to state that though a person is engaged as temporary employee, he is entitled for subsistence allowance, as per the dictum laid down by the Hon'ble Division Bench of this Court in the case of ***the Registrar, the Co-operative Society, N.V.Natarajan Maligai, Periyar EVK High Road, Kilpauk, Chennai-600 010 vs. M.Elango in W.A.No.1352 of 2019 on 10.02.2020***. Therefore, the respondents are directed to pay subsistence allowance for the suspension period to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

The District Manager,
O/o.TASMAC Limited,
Thoothukudi.

**W.P. [MD] .No.11681 of 2021
21.01.2022**

MK/16.05.2022/2P/2C