



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.21960 of 2019

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S.Jeyakumar
Driver, Staff No. 01DR2018/13188
Son of P.Srinivasan,
18, Karumariamman Kovil Street,
Tha.Pettai Road,
Musiri - 621 211.
Musiri Taluk,
Trichy District.

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Trichirappalli Region,
Periyamilaguparai,
Trichirappalli -1.

3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Trichy Moffusal Branch,
Trichy.

...Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to take necessary action on the basis of Petitioner's representation dated 30.07.2019 with regard to pay the subsistence allowance for the Petitioner's interim suspension period as per law.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.D.Sivaraman

ORDER

The relief sought for in the present writ petition is to direct the respondents to take necessary action on the basis of the Petitioner's representation, dated 30.07.2019 with regard to pay the subsistence allowance.



2. Admittedly the petitioner was placed under suspension. On initiation of departmental disciplinary proceedings, the order of suspension was issued on 29.11.2013. The said order of suspension was revoked on 18.02.2014. The petitioner states that subsistence allowance during the period has not been settled.

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3. This Court is of the considered opinion that subsistence allowance is a livelihood of an employee, in the event of placing him under suspension. In all circumstances, during the period of suspension, the employee is entitled for subsistence allowance on compliance of certain conditions. The employee has to submit an undertaking that he is not employed anywhere and he is residing in the headquarters, as per the order of suspension. Therefore, the authority competent on receipt of such undertaking has to sanction the subsistence allowance.

4. In the present case, the grievance of the writ petitioner is that though he was placed under suspension, subsistence allowance has not been paid. In this regard, he made a representation. Thus, the respondents are directed to calculate the period of suspension and settle the subsistence allowance, for which the petitioner is legally entitled in accordance with the rules within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Trichirappalli Region,
Periyamilaguparai,
Trichirappalli -1.



3.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Trichy Moffusal Branch,
Trichy.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-21625[F] dated 27/04/2022)

+1 CC to M/s.D. ANBARASU, Advocate (SR-21672[F] dated 27/04/2022)

ORDER MADE IN
W.P. (MD) No.21960 of 2019
26.04.2022

PKP/31.05.2022/3P/6C