



W.A.(MD)No.971 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.971 of 2012

and

M.P(MD)No.2 of 2012

The Management
Tamil Nadu Cooperative Marketing
Federation Limited,
rep by its Secretary,
No.9, St.Mariy's road,
Chennai-600 018.

... Appellant/ Petitioner

Vs.

1.The Appellate Authority,
Payment of Subsistence Allowance Act, 1981
The Deputy Commissioner of Labour, Madurai
No.142-1, Sundaram Theatre Road,
K.K.Nagar, Madurai-625 020.

2.The Authority under Tamil Nadu,
Payment of Subsistence Allowance Act, 1981,
Office of the Assistant Commissioner of Labour,
Madurai.

3.Thiru V.Jayaraj

...Respondents/Respondents



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PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P(MD)No.13187 of 2009 dated 05.10.2010.

For Appellant : Mr.S.Ramsundar vijayaraj
for M/s.Veera Associates

For R1 & R2 : Mr.A.K.Manickam
Spl.Govt.Pleader

For R3 :Mr.S.Arunachalam

JUDGMENT

(Judgment of the Court was made by ***R.SURESH KUMAR, J.***)

The third respondent was the employee of the appellant and he was placed under suspension for a longer period. During the period of suspension, the third respondent wanted to get subsistence allowance under the provisions of Tamil Nadu Payment of Subsistence Allowance Act, 1981, by approaching the second respondent, who having considered the petitions filed in P.S.A.Nos.13, 15 and 19 of 2007, allowed those petitions by order dated 23.05.2008. Aggrieved over the same, the appellant preferred an appeal before the first respondent, who also by order dated 30.09.2009 confirmed the order passed by the original authority. As against which, the



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petitioner preferred a writ petition in W.P(MD)No.13187 of 2009, which was also dismissed by the learned Single Judge in the Writ Court by the impugned order dated 05.10.2010.

2.Today when the writ appeal is taken up for hearing, Mr.S.Ramsundar Vijayaraj, learned counsel appearing for the appellant, on written instructions, would submit that the entire subsistence allowance payable to the third respondent as directed by the authorities concerned confirmed by the Writ court, has been paid to the third respondent.

3.The said factor is not controverted by the learned counsel appearing for the third respondent, who would submit that the said amount has been received by the third respondent.

4.This position also has been confirmed by the learned Special Government Pleader appearing for R1 and R2.

5.In view of the said developments, where the appellant has paid the said subsistence allowance to the third respondent, nothing survives in this



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writ appeal to be decided. Hence, recording the same, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)
10.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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