



W.P.No.27250 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM

THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN

**W.P.No.27250 OF 2013 &
MP.No. 1 of 2013**

B. Kumarapalayam Co-operative Urban
Bank Ltd.,
represented by its General manager,
405, Salem Main Road,
B.Kumarapalayam,
Namakkal District

.. Petitioner

Vs.

1. The Appellate Authority,
Under the Payment of Subsistence
Allowance Act/Deputy Commissioner
of Labour, Salem-7
2. The Authority under the Payment
of Subsistence Allowance Act/
Assistant Commissioner of Labour,
Salem – 7.
3. A.Chandrasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the records of the 1st
respondent in his order in AP.SA.No.1/2012 dated 19.06.2013 reversing the



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order of the 2nd respondent in PSA.No.9 of 1999 dated 12.07.2007 and quash the same.

For Petitioner : Mr. P.K. Shivakumar
For Respondents : Mr.P. Ananda Kumar, Govt. Advocate
for R1 and R2
Mr.S.Umapathy for R3

ORDER

This Writ Petition is filed for issuance of writ of Certiorari to call for the records of the 1st respondent in his order in APSA.No.1/2012 dated 19.06.2013 reversing the order of the 2nd respondent in PSA.No.9 of 1999 dated 12.07.2007 and quash the same.

2. The 3rd respondent was working as a secretary in the petitioner bank from 02.02.1987 to 26.08.1995 and he was suspended from service on 26.08.1995. Thereafter, a charge memo was issued to him and after completion of the disciplinary proceedings, he was dismissed from service on 15.05.2000 .



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3. In the meantime, the 3rd respondent had filed an application before the 2nd respondent claiming subsistence allowance for the period he was under suspension. By an order dated 09.02.1999, the 2nd respondent passed an award and a sum of Rs.1,07,846/- was ordered to be paid as subsistence allowance to the 3rd respondent. Another award also came to be passed in PSA.No.9 of 1999 on 29.06.2000 in favour of the 3rd respondent awarding a further sum of Rs.1,07,846/- towards subsistence allowance for the period from 1.4.1996 to 25.02.1997.

4. Assailing both the awards in PSA.No.14 of 1996 and PSA.No.9 of 1999, the petitioner Bank had preferred appeals before the 1st respondent in PSAA.No.13/1998 and PSAA.No.12 of 2000. The appeals came to be dismissed by the order of the 1st respondent dated 28.02.2002. Challenging the orders passed by the 1st respondent, the petitioner Bank had filed W.P.No.16107 of 2000. challenging the order in PSAA.No.13 of 1998 and W.P.No.14947 of 2002 challenging the order in PSA.No.12 of 2000.



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5. Pursuant to the order passed by this Court in the above writ petitions on 13.12.2010, the 2nd respondent accepted the plea of the petitioner Bank and dismissed PSA.No.9 of 1999 on 12.07.2007. Challenging the same, the 3rd respondent filed an appeal before the 1st respondent in APSA.No.1 of 2012, wherein, the 1st respondent passed an order in favour of the 3rd respondent awarding Rs.1,07,846/- to be paid towards subsistence allowance. Assailing the same, the petitioner has preferred the present writ petition.

6. When the writ petition was listed for hearing on 29.10.2024 and 13.11.2024, it was represented that the 3rd respondent who is the contesting party in the writ petition had died as early as on 30.09.2020 and the petitioner was given time to take steps to substitute the legal heirs of the 3rd respondent.

7. Today, when the writ petition is taken up for hearing, the learned



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counsel for the petitioner submitted that the Bank had not furnished any details for taking steps to substitute the legal heirs of the 3rd respondent.

Therefore, the writ petition may be dismissed as abated.

8. Since the writ petition is filed challenging the award passed in favour of the 3rd respondent and the 3rd respondent had died as early as on 30.09.2020 and no steps so far have been taken to substitute the legal heirs of the 3rd respondent, recording the submissions of the learned counsel for the petitioner, this writ petition is dismissed as abated. No costs. Consequently, the connected miscellaneous petition is closed.

9. It is made clear that if any deposit has been made by the petitioner bank before the authorities concerned, it is open to the legal heirs of the 3rd respondent to file necessary application for withdrawal of the same.



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msr

Index: Yes/No

Internet: Yes/No

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G. ARUL MURUGAN, J.

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