



W.P.(MD).No.12901 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12901 of 2024

M.Marypushpam

...Petitioner

Vs

1.The Assistant Director of Fisheries,
Department of Fisheries,
Vadasery, Opposite to Omni Bus Stand,
Nagercoil,
Kanyakumari District – 629 001.

2.The Administrator,
Marthandan Thurai Fisherman,
Co-operative Society Limited Y No.50,
Kollankodu Post,
Kanyakumari District – 629 160.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to pay the subsistence allowance for the period of her suspension from 02.08.2021 to 31.05.2024.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.M.Ramesh
Government Advocate



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ORDER

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Heard Mr.V.O.S.Kalaiselvam, learned counsel for the petitioner and Mr.M.Ramesh, learned Government Advocate for the respondents.

2. This Writ Petition has been filed for issuance of Writ of Mandamus seeking direction against the respondents to pay the subsistence allowance for the period of her suspension from 02.08.2021 to 31.05.2024.

3. Mr.V.O.S.Kalaiselvam, learned counsel for the petitioner submitted that during the pandemic time, the house of the petitioner was locked down owing to COVID-19 infection. So, the petitioner was on leave from 22.05.2021 to 31.07.2021. When she resumed to duty on 02.08.2021, she was not allowed to join by the then President. It is informed that the petitioner was kept under suspension on 02.08.2021 for alleged misappropriation. In this regard, the petitioner made a representation dated 10.07.2023 to the respondents seeking to cancel the suspension and to pay the subsistence allowance. Since no order was



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passed by the respondents to that effect, the petitioner approached this Court by way of filing this Writ Petition.

4. The learned counsel for the petitioner submitted that the petitioner was neither paid the subsistence allowance nor allowed to retire on 31.05.2024, when she attained the age of superannuation.

5. The period of suspension continues even after she attained the age of superannuation that is on 31.05.2024. As per Section 3 of the Tamilnadu Payment of Subsistence Allowance Act, 1981, the petitioner is entitled to get the subsistence allowance, till the time she was placed under suspension. He would further submit that though the petitioner has made representation on 10.07.2023 before the respondents seeking to pay subsistence allowance, so far no action has been taken by the respondents and that the petitioner is entitled to get the subsistence allowance from the date of his suspension 02.08.2021 to the date of her retirement 31.05.2024.



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6. Considering the facts and circumstances of the case, this Court directs the respondents to consider the petitioner's representation dated 10.07.2023 and pass orders with regard to payment of subsistence allowance for the period from 02.08.2021 to 31.05.2024, on merits and in accordance with law. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. In view of the above, this Writ Petition is **allowed**. No costs.

18.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

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R.N.MANJULA, J.

Nsr

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