



WP(MD)No.15098 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

WMP(MD)Nos.12707 and 18828 of 2023

The Management,
Tamil Nadu Mercantile Bank Limited,
57, V.E.Road,
Thoothukudi – 628 002,
Represented by its General Manager
DRD Department.

... Petitioner

Vs

1.The Appellate Authority for Subsistence Allowance,
(Joint Commissioner of Labour),
Tirunelveli.

2.The Authority for Subsistence Allowance,
(Deputy Commissioner of Labour),
Tirunelveli.

3.M.Rajamanickam,

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the records relating to the impugned order dated 24.05.2023 passed by the 1st respondent in PSA (Appeal) No.3 of 2022 confirming the order dated 18.11.2021 passed by the 2nd respondent in PSA IA.No.06 of 2020 and quash the same as illegal.



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For Petitioner : Mr.M.E.Ilango
For Respondent : Mr.A.Baskaran,
Nos.1 and 2 Additional Government Pleader
For Respondent : Mr.S.Kumar
No.3

ORDER

The 3rd respondent an employee of the Tamil Nadu Mercantile Bank Limited was suspended on 17.09.2019 while he was working in Tamil Nadu Mercantile Bank's branch at Gujarat. The 3rd respondent has filed a claim petition before the 2nd respondent, the Authority for Subsistence Allowance Act / Deputy Commissioner of Labour, claiming the difference in the subsistence allowance from the petitioner. The petitioner management by filing an interlocutory application has raised preliminary objection in the said claim petition filed by the 3rd respondent on the maintainability of the petition that claim of the employee under the Tamil Nadu Payment of Subsistence Allowance Act, 1981 would not arise in this case, since the 3rd respondent was suspended while he was in working in the State of Gujarat. Therefore, according the learned Counsel for the petitioner, the Act of the Gujarat would be applicable for this case and therefore, the claim petition is not maintainable before the 2nd respondent. The said



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interlocutory application was dismissed by the 2nd respondent by order dated 18.11.2021 and as against the same the management has preferred an appeal in PSA.No.3 of 2022 before the 1st respondent. The 1st respondent has dismissed the appeal that claim petition filed by the 3rd respondent is maintainable before the 2nd respondent. As against the same, the present writ petition is filed.

2.The learned Counsel for the petitioner submits that the 3rd respondent was suspended while he was working in Gujarat and therefore, he cannot maintain the petition before the 2nd respondent under the Tamil Nadu Payment of Subsistence Allowance Act.

3.This Court considered the submission of the learned Counsel for the petitioner.

4.The 3rd respondent was an employee of the petitioner bank, which is having its head office at Tuticorin. The petitioner management has deputed the 3rd respondent to its branch at Gujarat and at that point of time, the suspension order was issued as against the 3rd respondent.



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5. Admittedly the 3rd respondent was issued with the suspension order from the head office at Tuticorin. Therefore, this Court is not inclined to entertain this writ petition.

6. Accordingly this writ petition is dismissed with liberty to the petitioner to contest the main claim petition filed by the 3rd respondent before the 2nd respondent and the petitioner and the 3rd respondent shall raise all their contentions before the 2nd respondent in the claim petition. No costs. Consequently connected miscellaneous petitions are closed.

17.10.2024

Internet : Yes / No

Index : Yes / No

DSK

To

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B.PUGALENDHI.J.,

DSK

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