



WEB COPY



W.A.No.2019 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER**

**W.A.No.2019 of 2025
and
C.M.P.No.15157 of 2025**

The Assistant Commissioner/ Executive Officer,
A/m. Subramaniaswamy Thirukkoil,
Sivanmalai, Kangeyam Taluk,
Tiruppur District – 638 701.

... Appellant

Vs.

1.S.Murugesan

2.The Commissioner,
The Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai – 600 034.

3.The Joint Commissioner,
The Hindu Religious & Charitable Endowments Department,
Tiruppur Regulated Market Complex First Floor,
Tiruppur- Palladam Road, Town Extn.,
Tiruppur – 641 604.

... Respondents



W.A.No.2019 of 2025

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the interim direction/ order passed on 30.06.2023 in W.M.P.No.15814 of 2023 in W.P.No.16440 of 2023 and allow this Writ Appeal.

For Appellant : Ms.V.S.Usharani

For Respondents : Mr.N.R.R.Arun Natrajan, SGP

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenging the interim direction issued by the writ Court directing payment of subsistence allowance for the period from 16.11.2009 to 13.08.2018, during which the 1st respondent was kept under suspension pending enquiry, with interest at 12% per annum, the Department is on appeal.

2. The learned counsel for the appellant would vehemently contend that no doubt subsistence allowance ought to have been paid but non- payment by itself would not attract penal interest at 12% per annum.



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3. We are unable to agree. Admittedly, the employee was dismissed from service only on 13.08.2018, though he was suspended in November 2009. Almost 9 years have been taken by the Department to complete the enquiry proceedings. Admittedly, the subsistence allowance was not paid either during the proceedings or after the termination also. The learned Single Judge had only taken note of the legal liability that is fastened on the employer to pay subsistence allowance and directed payment of interest.

4. We do not see any ground to interfere with the discretion exercised by the learned Single Judge. The writ appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.S.,J.)
07.07.2025

dsa

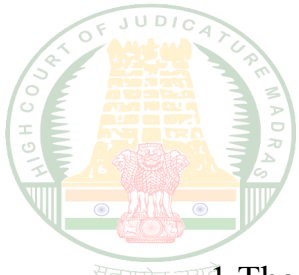
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Speaking order

To

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