



W.P.No.30318 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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1. B.Hariraman
2. N.Ananth
3. P.Venkatesan
4. K.Thirunavukkarasu
5. T.Vinsing
6. T.Suresh Kumar
7. N.Suresh
8. M.Leela Krishnan
9. A.Saravanan
10. V.Mariyappan
11. A.Kumanan
12. N.Manikandan
13. A.Ramesh
14. S.Murugadoss
15. K.Selvam
16. N.Kannan
17. S.Mahendran
18. S.Sivakumar
19. N.Vijayakumar
20. T.Mahendran
21. P.Jagathisan
22. M.Murugan
23. C.Jeeva
24. J.Sivakumar
25. M.Sankaran
26. Ashok Kumar
27. P.Timothy Ramesh
28. A.Satheesh

...Petitioners



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Vs.

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1. The Authority under the Payment of Subsistence allowance
Assistant Commissioner of Labour,
Office of the Deputy Commissioner of Labour,
DMS Compound,
Teynampet,
Chennai – 6.
2. The Management of RSB Transmissions (I) Limited
Rep. by its Project Head,
G23, G24, SIPCOT Industrial Park,
Katrambakkam Village,
Irungattukottai Post,
Sriperumbudur Taluk,
Kanchipuram District – 602 117.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of certiorarified Mandamus to call for the records of the first respondent in connection with the proceedings in letter No.D1/4962/12 dated 22.08.2012, quash the same and consequently direct the first respondent to receive and entertain the applications filed by the petitioners for a direction to the second respondent to pay subsistence allowance and dispose of the same on merits.

For Petitioner : Mr.V.Prakash, Sr.C for
M/s.K.Sudalaikannu

For Respondents : Mr.K.Surendran for R1

No appearance for R2



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ORDER

This writ petition lies in a very narrow compass. The petitioners sought impugning the order passed by the first respondent who rejected the prayer of the petitioners to order payment of subsistence allowance.

2. According to the petitioners, the management wanted to install a puppet union. Therefore, he refrained from work. By letters dated 29.10.2013, 26.03.2011 and 22.08.2011, the management asked the workers to resume duty after giving an undertaking that they have confidence in the management. Adamantly the petitioners refused to join duty. Therefore, left with no other alternative, the management ultimately stated that if the petitioners refuse to join duty by 06.09.2011 they will be treated as absent and they will not be paid wages. Even thereafter, the petitioners did not report for duty. However, prayed the first respondent to pay subsistence allowance. The first respondent refused their prayer.

3. By order dated 22.08.2012, the first respondent has rejected the prayer of the petitioners on the ground that payment of subsistence allowance would arise only when the employees / workers are under

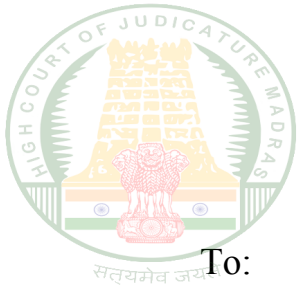


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suspension. The petitioners herein have not yet been suspended from work. In view of the same, this Court is not inclined to entertain the writ petition. The writ petition fails and the same is dismissed. No costs.

17.02.2025

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NCC : Yes/No
Speaking Order : Yes/No



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