



WEB COPY



W.P.No.22782 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated :26.06.2025**

**CORAM**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.22782 of 2025**

F.K. Benedict

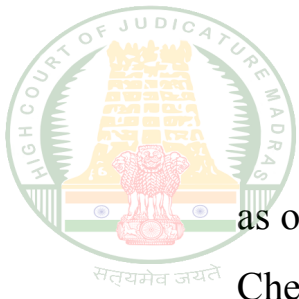
... Petitioner

VS-

1. The State of Tamilnadu,  
Rep by its Secretary  
Transport Department,  
Fort St. George, Chennai – 09.
2. The Managing Director,  
Tamilnadu Government Transport  
Corporation Ltd, Division – 1,  
No. 3/137, Salamedu,  
Valudareddy, Villupuram – 605 602.
3. The General Manager,  
Tamilnadu Government Transport  
Corporation Ltd, Division – 1,  
No. 3/137, Salamedu,  
Valudareddy, Villupuram – 605 602.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 25.04.2025 and to pass order to settle the subsistence allowance arrears of Rs.22,69,759/-



W.P.No.22782 of 2025

as ordered by the Tamilnadu Subsistence Allowance Appellate Tribunal, Chennai/The Joint Commissioner of Labour-2, Chennai, dated 09.01.2024 within a reasonable time frame fixed by this court.

For Petitioner : Mr. S. Natarajan

For Respondent – 1 : Ms. M. Jayanthi  
Additional Government Pleader

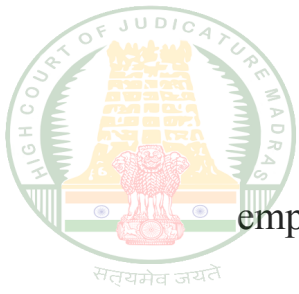
For Respondent – 2 & 3: Mr. M. Murali  
Government Advocate

### **ORDER**

The above writ petition has been filed by the workman seeking a mandamus to respondents 2 and 3 to consider his representation dated 25.04.2025 and pass orders to settle the subsistence allowance of Rs.22,69,759/- as ordered by the Tamil Nadu Subsistence Allowance Appellate Tribunal, Chennai/The Joint Commissioner of Labour-2, Chennai, dated 09.01.2024 within a time frame.

2. The facts are briefly set out herein below:

(i) The petitioner had been appointed as Conductor and joined duty on 16.01.1985 at Virudhachalam Branch Division. It is the contention of the petitioner that people from other states were also



W.P.No.22782 of 2023

WEB COPY

employed under the respondents 2 and 3. Therefore, the employees from other States had started a Thrift Society and it was registered under the Multi-State Co-operative Societies Act in the name and style of “Tamil Nadu State Transport Corporation Employees Thrift Society, Villupuram”. This Thrift Society functioned as per the provisions and regulation of the Multi-State Co-operative Societies Act.

(ii) The petitioner had participated in the election for the post of Director between 2004 and 2006 and he was selected for the post of Director in the aforesaid Thrift Society. The Thrift Society had on its rolls nearly 400 members. The day-to-day affairs of the Society was being managed by the President and Secretary. The petitioner would submit that he had only attended the monthly meeting and had no role in the day-to-day management of the Society. He had signed only in the resolution passed in the executive committee meeting and had no power to manage the finance of the Society.

(iii) While so, the State Vigilance Police Station, Cuddalore had registered an F.I.R stating that the funds of the Thrift Society had been

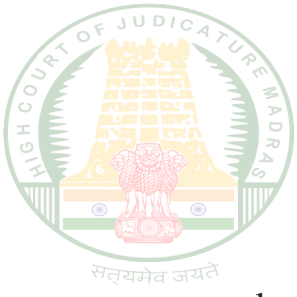


W.P.No.22782 of 2023

WEB COPY

misappropriated by the office bearers and after investigation, a charge sheet was filed against the petitioner and other Directors, President and Secretary before the Judicial Magistrate, Villupuram in C.C.No.18 of 2022. This Charge Sheet was challenged by the President in CrI.O.P.No.16389 of 2023 and the said Charge Sheet was quashed by order dated 10.08.2023.

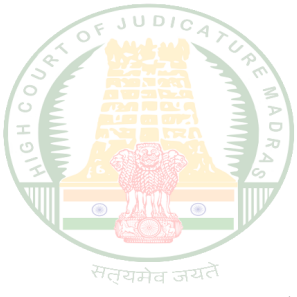
(iv) After the registration of the F.I.R, the 3<sup>rd</sup> respondent has placed the petitioner under the temporary suspension with effect from 26.02.2014 as per the Tamil Nadu Subsistence Allowance Rules, 1981. The respondents 2 and 3 ought to have granted subsistence allowance to the petitioner, However, the same has not been paid. After several years of temporary suspension, the 3<sup>rd</sup> respondent was served a Charge Memo on 06.08.2021 alleging that the petitioner had conspired with the President for misappropriating the society funds and an explanation denying the involvement failed into the Society. The explanation given by the petitioner was not considered and an Enquiry Officer has been appointed. The Enquiry Officer had submitted his report, however, final orders are yet to be passed.



W.P.No.22782 of 2025

WEB COPY

(v) The petitioner was due to retire on 28.02.2014 but he had been placed under the temporary suspension just 2 days prior to his retirement. No subsistence allowance was paid till 31.08.2020 and thereafter, he was paid only a sum of Rs.11,760/- from 01.09.2020. The respondents 2 and 3 have paid lesser subsistence allowance. Therefore, the petitioner had filed an application in No.02 of 2022 before the Deputy Commissioner of Labour, Chennai and after enquiry, an order was passed on 16.03.2022 directing the 2<sup>nd</sup> respondent to settle the arrears of a sum of Rs.8,46,524/- calculated at the rate of Rs.11,760/- per month from 27.08.2014 to 31.08.2020. Aggrieved by the said order, an appeal was preferred before the Appellate authority. The appeal was allowed and the order dated 16.03.2022 was modified directing the 2<sup>nd</sup> respondent to pay 75% of the subsistence allowance after calculating the monthly salary of Rs.29,741/-. Since these amounts have not been paid, a representation was made on 25.04.2025 which has also not been taken note of. Therefore, this Writ Petition has been filed.



W.P.No.22782 of 2025

WEB COPY

3. Heard the learned counsels on either side and perused the materials available on record.

4. Considering the fact that the respondents 2 and 3 are bound to comply with the orders passed by the Additional Commissioner of Labour-2, Chennai and have failed to do so though over a year has passed since the passing of the Award, a mandamus is issued to the respondents 2 and 3 to consider the petitioner's representation dated 25.04.2025 and pass orders on merits and in accordance with law within a period of 3 months from the date of receipt of a copy of this order. No costs.

**26.06.2025**

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1. The Secretary,  
The State of Tamilnadu,  
Transport Department,  
Fort St. George, Chennai – 09.



WEB COPY



W.P.No.22782 of 2023

2. The Managing Director,  
Tamilnadu Government Transport  
Corporation Ltd, Division – 1,  
No. 3/137, Salamedu,  
Valudareddy, Villupuram – 605 602.

3. The General Manager,  
Tamilnadu Government Transport  
Corporation Ltd, Division – 1,  
No. 3/137, Salamedu,  
Valudareddy, Villupuram – 605 602.



WEB COPY



W.P.No.22782 of 2025

**P.T.ASHA, J.,**

srn

**W.P.No.22782 of 2025**

**26.06.2025**