



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.7775 of 2024

and W.M.P(MD).No.7102 of 2024

V.Sanjeevi Raja

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower II,
Gandhi Erwin Bridge Road,
Egmore, Chennai - 600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Plot No. 100, Anna Nagar,
Madurai - 625 020.

3.The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings issued by the 3rd respondent in Na.Ka.No. A2/034/2023, dated 18.01.2023, quash the same and consequently directing the respondents to pay subsistence allowance to the petitioner from the date of his suspension on 11.03.2007 to till date as per law.



WEB COPY

For Petitioner : Mr.L.Shaji Chellan
For Respondents : Mr.S.Sivanesan
Standing Counsel

ORDER

This writ petition has been filed to quash the impugned proceedings issued by the 3rd respondent in Na.Ka.No. A2/034/2023 dated 18.01.2023 and for a consequential direction to the respondents to pay subsistence allowance to the petitioner from the date of his suspension on 11.03.2007 till date as per law.

2.It is submitted by the learned counsel for the petitioner that the petitioner was appointed as a salesman under the 3rd respondent in 2004 and was placed under suspension on 11.03.2007. He was not paid with subsistence allowance from the date of suspension and therefore, he has made a representation to the respondents requesting payment of subsistence allowance. The said request was denied on the ground that the petitioner had not reported for duty and as per the principle of 'no work no pay' subsistence allowance cannot be paid. Aggrieved over the same, the present writ petition has been filed.



WEB COPY

3.The learned standing counsel for TASMAC has submitted that the petitioner was found to be indulging in preparation and sale of adulterated liquor during an inspection of 10.03.2007. Therefore, a criminal complaint was lodged with the Prohibition and Excise Wing, Tiruchendur leading to the registration of FIR in Crime No. 26 of 2007. The Corporation has sent a show cause notice to the petitioner on 28.06.2007 and 28.03.2015 and thereafter, the petitioner was suspended on 06.04.2015. During the period from 2007 till 2015, the petitioner has not reported for work and no communication was received from him. Hence, he is not entitled for the payment of subsistence allowance as per the principle of 'no work no pay'.

4.Heard the learned counsel on either side and perused the materials on record.

5.The petitioner claims that he has been suspended from 11.03.2007 and he has not been paid with any subsistence allowance. However, according to the respondents and as per the orders dated 06.04.2015 enclosed by the petitioner in the typed set of papers, he has been suspended with effect from 06.04.2015.



WEB COPY

6. According to Section 3(1) of the Tamil Nadu Payment of Subsistence Allowance Act 1981, a suspended employee is entitled to receive 50 percent of the last drawn wages as subsistence allowance for the first ninety days from the date of suspension and 75 percent of wages thereafter. Admittedly, the petitioner was employed as salesman with the Respondent Corporation and suspended for alleged misconduct. Hence, the petitioner is entitled to be paid subsistence allowance as per law.

7. Therefore, this writ petition is allowed with a direction to the respondents to pay eligible subsistence allowance as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981, from the date of his suspension, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous Petition is closed.

17.12.2025

NCC : Yes/No
Index : Yes/No
Rmk



To

1. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower II,
Gandhi Erwin Bridge Road,
Egmore, Chennai - 600 008.
2. The Senior Regional Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Plot No. 100, Anna Nagar,
Madurai - 625 020.
3. The District Manager,
Tamil Nadu State Marketing Corporation Ltd.,
Thoothukudi,
Thoothukudi District



WEB COPY



6

B.PUGALENDHI,J.

Rmk

WP(MD)No.7775 of 2024

17.12.2025