

W.P.(MD)No.2071 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2071 of 2019

and

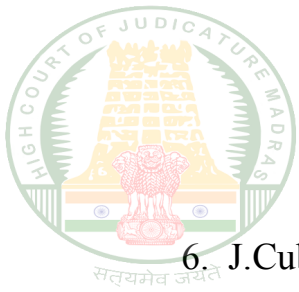
WMP(MD)No.1666 of 2019

The Management,
Tamil Nadu Co-op. Marketing
Federation Ltd.,
Rep. by its Secretary,
No.91, St. Mary's Road,
Chennai – 600 018.

... Petitioner

versus

1. The Appellate Authority
Payment of Subsistence Allowance Act 1981
The Deputy Commissioner of Labour, Madurai
No.142-1 Sundaram Theatre Road,
K.K.Nagar,
Madurai – 625 020.
2. The Authority under the Tamilnadu
Payment of Subsistence Allowance At 1981,
The Assistant Commissioner of Labour,
Madurai – 625 020.
3. V.Jayaraj (died)
4. J.Punniyavathi
5. J.Ajitha



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6. J.Cuba Queen

7. J.Valantina

(R4 to R7, who are the legal heirs of the deceased
3rd respondent, are *suo motu* impleaded
by order dated 23.09.2025)

... Respondents

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 order issued by the 1st respondent dated 02.05.2018 passed in P.S.A.A.No.11/2017 to 15/2017 confirming the order of the 2nd respondent dated 20.04.2016 in Subsistence Allowance Case No. 8/2010, 1/2011, 15/2011, 12/2012 and 2/2013 and quash the same and further allow the petitioner to recover the subsistence allowance from the 3rd respondent which he had already received without entitlement within the time stipulated by this Court.

For Petitioner : Mr.Ram Sundar Vijaya Raj

For R1 and R2 : Mr.S.Vinodh,
Government Advocate

For R3 : Mr.S.Arunachalam

ORDER

This writ petition has been filed by the Management as against the order passed by the 1st respondent dated 02.05.2018 passed in P.S.A.A.Nos. 11/2017 to 15/2017 confirming the order passed by the 2nd respondent dated 20.04.2016 in Subsistence Allowance Case No.8/2010, 1/2011, 15/2011, 12/2012 and 2/2013, filed by the 3rd respondent.



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2. The 3rd respondent employee was suspended by the Management on certain allegations and a criminal case was also registered as against him. He attained the age of superannuation on 30.06.2005. The disciplinary proceedings was not concluded. Therefore, the 3rd respondent was paid 50% of subsistence allowance. The 3rd respondent has approached the second respondent/the Authority under the Payment of Subsistence Allowance Act, seeking subsistence allowance for the period from 30.06.2005 to 19.08.2007 in Subsistence Allowance Case in Nos.13/2007, 15/2007 and 19/2007 and the same were allowed by the second respondent, by order dated 23.05.2008. Aggrieved over the same, the Management preferred an appeal before the first respondent/Appellate Authority in PSA No.2/2019. The first respondent/the Appellate Authority, by order dated 17.08.2009, dismissed the appeal filed by the Management confirming the order passed by the original authority that the Management is liable to pay 100% of wages as subsistence allowance, even after he attained the age of superannuation. Aggrieved over the same, the Management has filed a writ petition before this Court in WP.(MD)No.13187 of 2009 and the same was dismissed by this Court on 15.10.2010 and a writ appeal filed by the Management in W.A. (MD)No.917 of 2012 was also dismissed by a Division Bench of this Court

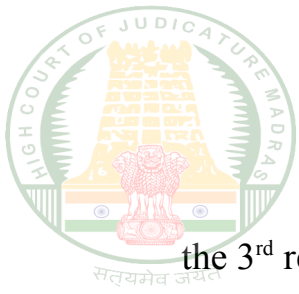


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on 10.03.2023, recording the submission of the Management that the subsistence allowance as directed by the respondents 1 and 2 were paid to the 3rd respondent. This writ petition has also been filed as against the similar order passed by the 1st respondent in P.S.A.A.Nos.11/2017 to 15/2017, dated 02.05.2018, confirming the order passed by the 2nd respondent dated 20.04.2016 in Subsistence Allowance Case No.8/2010, 1/2011, 15/2011, 12/2012 and 2/2013, allowing the claim petitions filed by the 3rd respondent seeking subsistence allowance for the period from 20.08.2009 to 30.04.2013. In view of the earlier order passed by this Court, this writ petition deserves to be dismissed.

3. The learned counsel on either side submits that the 3rd respondent employee died. The learned counsel for the 3rd respondent has also filed a memo along with the legal heir certificate.

4. This issue is pending from the year 2018 on the claim of the 3rd respondent for subsistence allowance that too for the period from the year 2009 to 2013. The legal heir certificate of the 3rd respondent is also placed before this Court. Any further delay would certainly affect the rights of the 3rd respondent. Therefore, this Court *suo motu* impleads the legal heirs of



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the 3rd respondent as parties to this writ petition.

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5. Accordingly, this writ petition is dismissed with a direction to the petitioner Management to pay the subsistence allowance, as ordered by the 1st and 2nd respondents, to the legal heirs of the 3rd respondent, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

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B.PUGALENDHI,J.

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