



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.06.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5146 of 2019
and
W.M.P(MD)No.4135 of 2019

The Chairman,
Adarsh Educational Trust,
Adarsh Vidya Kendra,
Vettoornimadam,
Nagarcoil - 629 003,
Kanyakumari District.

...Petitioner

Vs

1.L.Radha

2.The Deputy Commissioner of Labour,
Tirunelveli,
(Appellant Authority under the Payment of
Subsistence Allowances Act),
Tirunelveli.

3.The Assistant Commissioner Labour,
(Controlling Authority under the Payment of
Subsistence Allowance Act),
Tirunelveli.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ Certiorari of Mandamus, to call for the records related to proceedings of 2nd respondent in P.S.A(Appeal) No.I of 2018, dated 29.11.2018, confirming the order passed by the 3rd respondent in P.S.A.No.10 of 2014, dated 02.08.2017, and quash the same.



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For Petitioner : M/s.V.M.Balamohan Thampi

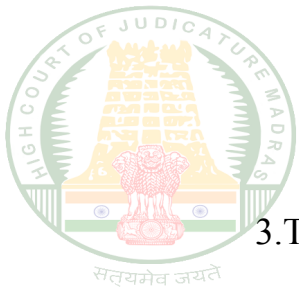
For Respondents : M/s.D.Farjana Ghoushia
Special Government Pleader
for R2 & R3
No appearance for R1

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ORDER

The present writ petition has been filed by the Management challenging the order passed by the second respondent herein who is the appellate authority under the Tamil Nadu Payment of Subsistence Allowance Act, 1981.

2.The first respondent herein was working as a Typist-cum-Clerk in the School run by the petitioner Trust. She was suspended on certain charges on 31.01.2011. After domestic enquiry, she was dismissed from service on 23.05.2013. The workmen had challenged the dismissal order by raising an Industrial Dispute before the Labour Court, Tirunelveli, in I.D.No.37 of 2015. The Labour Court, Tirunelveli, was pleased to set aside the order of dismissal and directed to reinstate with back wages. This award was put to challenge by the petitioner Trust in W.P(MD)No.15475 of 2016. The writ petition came to be dismissed by this Court on 04.06.2018.



3.The first respondent herein has filed a petition before the third respondent seeking subsistence allowance for the period between 01.02.2012 to 23.05.2013. The said application was allowed by the original authority. The appeal filed by the petitioner Trust before the second respondent was dismissed. Challenging the same, the present writ petition has been filed by the Management.

4.According to the learned Counsel appearing for the writ petitioner Management, for the period between 08.10.2012 and 10.09.2013, the first respondent herein was working in the Pearl Matriculation Higher Secondary School, Therekalputhoo, Kanyakumari District, as a Librarian. Since she was working there in another institution, she is not entitled to receive subsistence allowance. He has further submitted that though the said fact was pleaded before the first appellate authority, the documents could not be produced. Though notice was served upon the first respondent/workmen, she has not chosen to appear either in person or through Counsel.

5.Considering the fact that a letter dated 22.08.2017, issued by the Pearl Matriculation Higher Secondary School, Therekalputhoo, Kanyakumari District, is being produced for the first time in the writ petition, in the absence



of the workmen, the veracity of the said documents cannot be considered by this

Court. The order of the second respondent herein is hereby set aside and it is remitted back to the second respondent to consider the allegations of the petitioner. Trust that the first respondent was working in a different School between 08.10.2012 and 10.09.2013, after giving due opportunity to the workmen. The appeal shall be disposed of within a period of **3 (three) months** from the date of receipt of a copy of this order.

6. With the above said deliberations, this Writ Petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is also closed.

10.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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R.VIJAYAKUMAR, J.

RJR

To

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