



W.P.(MD) No.21080 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.21080 of 2024

M.Rajasekaran

... Petitioner

Vs.

- 1.The Managing Director,
Office of the Managing Director,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Chennai.
- 2.The Senior Regional Manager,
Office of the Senior Regional Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Madurai District.
- 3.The District Manager,
Office of the District Manager,
Tamil Nadu State Marketing
Corporation Ltd., (TASMAC),
Sivagangai District.
- 4.The Deputy Commissioner of Labour,
Joint Commissioner Office,
Madurai.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the subsistence allowance for the period of suspension from 27.05.2013 along with arrears of salary with interest as per the order passed by the Deputy Commissioner of Labour, Madurai in பி.ஊ.எண்.7/2019 29.06.2022.

For Petitioner	:	Mr.C.Muniyappan
For R1 to R3	:	Mr.H.Arumugam Standing Counsel
For R4	:	Mr.R.Ragavendran Government Advocate

ORDER

This writ petition has been filed seeking writ of mandamus directing the respondents to pay the subsistence allowance for the period during which the petitioner was placed and continued in suspension with effect from 27.05.2013 together with interest in terms of the orders passed by Respondent No.4 *vide* proceedings in பி.ஊ.எண்.7/2019, dated 29.06.2022.



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2. The third respondent has filed a counter affidavit on behalf of Respondents No.1 to 3 contending that the petitioner has got an alternative remedy for implementation of the proceedings dated 29.06.2022, but the petitioner has approached this Court by filing the present writ petition instead of availing the alternative remedy available to him under the provisions of the Tamil Nadu Payment of Subsistance Allowance Act, 1981 (hereinafter referred to as “the Act”). It is also further contended that the petitioner and other employees are responsible for shortage of certain amounts while discharging their duties as employees of Respondent No.3. However, the fact of Respondent No.4 issuing proceedings dated 29.06.2022 directing Respondent No.3 herein to pay the amount of Rs.1,66,425/- together with interest is not disputed. It is also not in dispute that the said order passed by Respondent No.4 in terms of the provisions of the Act 1981 also attained finality. Practically, the present writ petition is filed seeking implementation of the said order dated 29.06.2022.

3. As seen from the affidavit filed in support of the writ petition, Respondent No.4 also addressed a letter bearing No.ஆ5/5812/2022, dated



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28.02.2023 to the third respondent to implement the proceedings dated 29.06.2022 and to pay the subsistence allowance payable to the petitioner. In spite of the same also, Respondents No.1 to 3 have not complied with the order.

4. Taking into consideration the fact that the said proceedings dated 29.06.2022 has attained finality, Respondents No.1 to 3 are under obligation to comply with the said order. In case, if any amounts are due from the petitioner or if the petitioner is liable to pay any amounts to Respondents No. 1 to 3, it is always open for them to take appropriate steps for recovery of such amount in accordance with law. But that itself will not entitle Respondent No.3 to withhold implementation of the proceedings dated 29.06.2022. In the light of the above, this Court does not find any reason not to grant the relief as sought for in the present writ petition.

5. Accordingly, this Writ Petition is allowed directing Respondents No.1 to 3 to pay an amount of Rs.1,66,425/- together with interest as directed by Respondent No.4 vide proceedings dated 29.06.2022 as expeditiously as



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possible, if not already paid, at any rate, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

12.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

ABR

To

- 1.The Managing Director,
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MUMMINENI SUDHEER KUMAR, J.

ABR

4.The Deputy Commissioner of Labour,
Joint Commissioner Office,
Madurai.

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