



WP(MD)No.30396 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.30396 of 2023

and

WMP(MD)Nos.26174 of 2023

The Management,
T.1116, Edaiyar Emparthi Primary Agricultural
Co-Operative Credit Society,
Represented by its Secretary,
Melavasal Post, Mannargudi Taluk,
Thiruvaur – 614 014.

...Petitioner

Vs

- 1.The Appellate Authority
(Under the Tamil Nadu Payment of
Subsistence Allowance Act),
Office of the Joint Commissioner of Labour,
Trichy.
- 2.The Original Authority,
(Under the Tamil Nadu Payment of
Subsistence Allowance Act),
Office of the Assistant Commissioner of Labour,
Trichy.

3.K.Mathiyalagan

...Respondents



WP(MD)No.30396 of 2023

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records pertaining to the impugned order passed by the 1st respondent in in PSA(Appeal) No.1 of 2019 dated 20.04.2022 and the consequential order passed in IA.No.1 of 2022 in PSA(Appeal)No.1 of 2019 dated 09.03.2023 served on 31.10.2023 and quash the same.

For Petitioner : Mr.Mohan Kumar
for Mr.AK.Baskarapandian
For Respondent : Mr.C.Venkateshkumar
Nos.1 and 2 Special Government Pleader
For Respondent : Mr.S.Venkatesan
No.3

ORDER

The management has filed this writ petition as against the orders of the 1st respondent appellate authority under the Tamil Nadu Payment of Subsistence Allowance Act [PSA Act]. The 3rd respondent was the then Secretary of the petitioner society and he was dismissed from service on 12.02.2008. The 3rd respondent filed an application before the 2nd respondent / the authority under the PSA Act, seeking subsistence allowance for the suspension period from 05.04.2016 to 31.04.2018 and the same was rejected by order dated 25.10.2018 by the 2nd respondent /



WP(MD)No.30396 of 2023

original authority under the PSA Act that the 3rd respondent being Secretary of the Society in the managerial cadre, is not entitled for subsistence allowance. As against this order passed by the 2nd respondent, the 3rd respondent has filed an application in PSA(Appeal)No.1 of 2019 before the 1st respondent on 24.07.2019 with a delay of nine months. Though the 1st respondent is governed by the Statute and the period of limitation has been prescribed under the Act for entertaining the appeal, in Rule 5A of the PSA Act and Rules, the 1st respondent has entertained the appeal filed by the 3rd respondent in PSA(Appeal)No.1 of 2019 with a delay of nine months and passed an order.

2.This court considered the rival submissions made.

3.The main grievance of the petitioner is that without even an application to condone the delay, the appeal was entertained and an ex-parte order was passed. The petitioner society has filed an application in IA.No.1 of 2022 in PSA(Appeal)No.1 of 2019 to set aside the ex-parte order, however, it has been dismissed by the 1st respondent that the 3rd respondent would be aggrieved, if the application is entertained.



WP(MD)No.30396 of 2023

4. Admittedly the 3rd respondent was the Secretary and he was dismissed from service. He claimed payment of subsistence allowance for the period from 05.04.2016 to 31.01.2018 and his claim was rejected that he was in the managerial cadre. However, the appeal filed by the 3rd respondent was entertained by the 1st respondent, without even an application to condone the delay, beyond the statutory time limit and an ex-parte order was passed. The application filed by the petitioner to set aside the ex-parte order was dismissed

5. The petitioner management is having a good case before the 1st respondent and they must be provided with an opportunity. Accordingly, this writ petition is allowed. The impugned orders are set aside with a direction to the 1st respondent to decide the appeal filed by 3rd respondent on merits and in accordance with the law. No costs. Consequently connected miscellaneous petition is closed.

22.10.2025

DSK



WP(MD)No.30396 of 2023

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WP(MD)No.30396 of 2023

B.PUGALENDHI.J.,

DSK

WP(MD)No.30396 of 2023

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