



W.A(MD)No.780 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A(MD)No.780 of 2020
and
C.M.P(MD)No.4496 of 2020**

1.The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Tiruchirapalli Region,
Periyamilaguparai,
Tiruchirapalli-1.

... Appellants/Respondents

Vs

1.Jeyakumar

... Respondent No.1/Petitioner

2.The Branch Manager,
Tamil Nadu State Transport Corporaion
(Kumbakonam) Limited,
Trichy Mofussil Branch,
Trichy-1.

... Respondent No.2/Respondent No.3



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3.The Deputy Manager (Operation),
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Tiruchirapalli Region, Periyamilaguparai,
Tiruchirapalli-1. ... Respondent No.3/Respondent No.4

4.Mr.R.Rengarajan ... Respondent No.4/Respondent No.5

5.Mr.M.Rajmohan ...Respondent No.5/Respondent No.6

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 20.02.2014 made in W.P(MD)No.20186 of 2013.

For Appellants : Mr.S.C.Herold Singh

For R1 : Mr.D.Anbarasan

For R2 to R5 : No appearance

JUDGMENT

(Judgment of the Court was made by R.VIJAYAKUMAR,J.)

The respondents 1 & 2 in W.P(MD)No.20186 of 2013 have preferred the present writ appeal challenging the direction issued by the Writ Court, wherein, the Corporation has been directed to pay the subsistence allowance till final order is passed in the domestic enquiry.



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2. The first respondent herein, who was employed as a driver in the appellant Transport Corporation, had filed the above said writ petition seeking a mandamus to direct the Transport Corporation to permit him to join duty in the post of driver. As per the averments in the writ petition, he has not been permitted to join duty from 29.11.2013 by way of an oral order. While the writ petition was pending, the Transport Corporation had issued a charge memo on 31.12.2013 alleging that the workman had remained unauthorisedly absent for a period from 29.11.2013 to 20.12.2013. After domestic enquiry, final order came to be passed on 08.01.2015 imposing punishment of postponement of increment for one year without cumulative effect. The workman has accepted the punishment and he has not chosen to challenge the same.

3. The writ petition came up for final hearing on 20.02.2014. The Writ Court had closed the writ petition with a direction to pay the subsistence allowance till the passing of the final order in the enquiry. Challenging the said portion, which directs payment the subsistence allowance, the present appeal has been filed.



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4. According to the learned counsel for the appellant, when the workman has not been suspended, the question of payment of subsistence allowance would not arise. The workman, having unauthorisedly absent for the period from 29.11.2013 to 20.12.2013, he would not be entitled to receive subsistence allowance. Further, the workman has accepted the order of punishment imposed for the unauthorised absence.

5. Per contra, the learned counsel for the first respondent/workman submitted that the first respondent was permitted to join duty only from 18.02.2014 onwards. He was orally not permitted to join duty from 29.11.2013. Hence, the first respondent is entitled to full wages for the above said period for being not permitted to join duty.

6. We have considered the submissions made on either side and perused the materials available on record.

7. Admittedly, the workman has not attended duty for the period between 29.11.2013 to 18.02.2014. As far as the period between 29.11.2013 to 20.12.2013 is concerned, the workman has been issued



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with a charge memo on 31.12.2013 and punishment has been imposed for the unauthorised absence for the above said period. The workman has accepted the said punishment and he has not challenged the same. In such circumstances, he would be entitled to get the period regularised but he would not be entitled to receive any subsistence allowance.

8. As far as the period between 21.12.2013 to 18.02.2014 is concerned, the management has not issued any charge memo for unauthorised absence. Further, it could be seen from the records that the workman was permitted to join duty from 18.02.2014 only. In such circumstances, the workman would be entitled to full wages for the period from 21.12.2013 to 18.02.2014.

9. In view of the above deliberations, the order of the writ Court is modified to the effect that the workman would be entitled to full wages only for the period from 21.12.2013 to 18.02.2014.



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10. With the above said observations, the writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J.) (R.V., J.)
22.09.2025

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am

C.V.KARTHIKEYAN, J.



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W.A(MD)No.780 of 2020

and
R.VIJAYAKUMAR, J.

am

ORDER MADE IN
W.A(MD)No.780 of 2020

22.09.2025