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W.P.No.11407 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.02.2026**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.11407 of 2025**

K.Varalakshmi

... Petitioner

Vs.

The Managing Director / Additional Registrar  
Kancheepuram District Central Cooperative Bank Ltd.,  
No.15-G, Sekkupettai North street,  
Kancheepuram – 631 501.

... Respondent

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to disburse the petitioner's subsistence allowance for the month of December, 2024 and January 2025 i.e., from 21.11.2024 to 20.02.2025 at the rate of 75% of the last drawn wages and for the period from 21.02.2025 to 28.02.2025 at the rate of 100% subsistence allowance to the petitioner by deducting the subsistence allowance as already paid.

For Petitioner : Mr.C.Prakasam

For Respondent : Ms.G.Thilagavathy  
Senior Counsel  
for Mr.R.Gopinath  
Standing Counsel



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## **ORDER**

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to disburse the petitioner's subsistence allowance for the month of December, 2024 and January 2025 i.e., from 21.11.2024 to 20.02.2025 at the rate of 75% of the last drawn wages and for the period from 21.02.2025 to 28.02.2025 at the rate of 100% subsistence allowance to the petitioner by deducting the subsistence allowance as already paid.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Assistant in the respondent Bank and was promoted as Assistant Manager / Circle Supervisor in the same Bank. The respondent suspended the petitioner from service on 21.08.2024 and the respondent paid only 50% of the petitioner's last drawn wage as subsistence allowance from September, 2024 to November, 2024 and the same continued upto 20.02.2025. However, as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981, the petitioner is entitled to receive 75% of the wages as subsistence allowance beyond the period of ninety days and after one hundred and eighty days, the petitioner is entitled to receive 100% of the wages as



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subistence allowance. Hence, this Court may issue direction to the respondent to pay 100% of the last drawn wages as subsistence allowance, till the completion of the proceedings.

3.The learned Senior Counsel appearing for the respondent submitted that the petitioner was placed under suspension on 21.08.2024 and charge memo was issued to the petitioner on 14.10.2024. Till date the enquiry is not completed due to the non cooperation of the petitioner. The petitioner is repeatedly raising queries before the Enquiry Officer and hence Enquiry Officer was changed, which delayed the proceedings, thereby 50% of the last drawn wages was paid as subsistence allowance in terms of the proviso available in the Tamil Nadu Payment of Subsistence Allowance Act.

4.The learned Senior Counsel appearing for the respondent further submitted that the delay in concluding the proceedings is due to the delay attributed by the petitioner and further submitted that as soon as the respondent receive the Enquiry Officer's report, disciplinary proceedings will be concluded within a reasonable time.



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5. Heard the arguments advanced on either side and perused the materials available on record.

6. The petitioner was placed under suspension on 21.08.2024 and charge memo was issued to the petitioner on 14.10.2024. The petitioner also did not dispute the change of Enquiry Officer. The grievance of the petitioner is that the respondent did not pay subsistence allowance as per Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981.

7. It is useful to extract hereunder Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981:

***"3. Payment of subsistence allowance- (1)***

*An employee who is placed under suspension shall, during the period of such suspension, be entitled to receive payment from the employer as subsistence allowance, an amount equal to fifty per centum of the wages which the employee was drawing immediately before suspension, for the first ninety days reckoned from the date of such suspension:*



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*Provided that where the period of suspension exceeds ninety days but does not exceed one-hundred and eighty days, the employee shall be entitled to receive, after the said period of ninety days, a subsistence allowance equal to seventy-five percentum of the wages which the employee was drawing immediately before his suspension:*

*Provided also that where the enquiry or criminal proceeding is prolonged beyond the period of ninety days for reasons directly attributable to the employee, the subsistence allowance shall, for the period exceeding ninety days, be reduced to fifty percentum of the wages, which the employee was drawing immediately before his suspension.*

*(2) An employee shall not be entitled to receive any subsistence allowance if he accepts any other employment during the period of his 3 suspension in any establishment other than the establishment where he had been working immediately before his suspension.*

*(3) An employee shall not, in any*



*event, be liable to refund or forfeit any part of the subsistence allowance admissible to him under sub-section (1) :*

*Provided that where the employee is exonerated of the charge based on which his suspension was ordered, the subsistence allowance paid to him for any period shall be adjusted against the full wages admissible to him for the period of suspension.*

*(4) The subsistence allowance under sub-section (1) shall be paid by the employer to the employee on the date or dates on which the wages due to the employee, but for his suspension, would have become payable."*

8.Perusal of the proviso to Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act makes it clear that where the enquiry or criminal proceeding is prolonged beyond the period of ninety days for reasons directly attributable to the employee, the subsistence allowance shall, for the period exceeding ninety days, be reduced to fifty percentum of the wages, which the employee was drawing immediately before his suspension.



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9. In the present case, the delay in conclusion of the disciplinary proceedings is due to the delay attributed by the petitioner. Hence, this Court is not inclined to grant the relief sought for in this writ petition. However, though the charge memo was issued to the petitioner on 14.10.2024, the disciplinary proceedings has not yet been concluded. Hence, this Court directs the respondent to conclude the disciplinary proceeding, within a period of three months from the date of receipt of a copy of this order.

10. The writ petition is dismissed. No costs.

**18.02.2026**

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Index: Yes/ No  
Speaking Order: Yes/ No  
NCC: Yes/ No

To

The Managing Director / Additional Registrar  
Kancheepuram District Central Cooperative Bank Ltd.,  
No.15-G, Sekkupettai North street,  
Kancheepuram – 631 501.

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**M.DHANDAPANI,J.**  
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