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W.P. No.11104 of 2024, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. Nos.11104, 11107, 11112, 11113, 11116, 11118, 10563 &
12400 of 2024 and
WMP.Nos.12182, 12189, 12191, 12193, 12194, 12195,
11593 & 13526 of 2024

WP.No.11104 of 2024

B.Kanchana

... Petitioner

Vs

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction and pay the arrears of subsistence allowance in accordance with the directions of this court in WP Nos. 29940 to 29942 of 2005 and batch dated 30.08.2011 and the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner's husband along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

WP.No.11107 of 2024



W.P. No.11104 of 2024, etc. batch

R.Mohanraj

... Petitioner

Vs

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THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction and pay the arrears of subsistence allowance in accordance with the directions of this court in WP Nos. 29940 to 29942 of 2005 and batch dated 30.08.2011 and the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

WP.No.11112 of 2024

P.Shanmugam

... Petitioner

Vs

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction and pay the arrears of subsistence allowance in accordance with the directions of this court in WP Nos. 29940 to 29942 of 2005 and batch dated 30.08.2011



W.P. No.11104 of 2024, etc. batch

and the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

WP.No.11113 of 2024

A.Shanmugam

... Petitioner

Vs

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction and pay the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

WP.No.11116 of 2024

N.Pusphanathan

... Petitioner

Vs

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent



W.P. No.11104 of 2024, etc. batch

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction and pay the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

WP.No.11118 of 2024

K.Shanmugasundaram

Vs

... Petitioner

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction and pay the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

WP.No.10563 of 2024

R.Santhi

... Petitioner



W.P. No.11104 of 2024, etc. batch

Vs

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction and pay the arrears of subsistence allowance in accordance with the directions of this court in WP Nos. 29940 to 29942 of 2005 and batch dated 30.08.2011 and the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner's husband along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

WP.No.12400 of 2024

Ravichandran

... Petitioner

Vs

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondent bank to sanction



W.P. No.11104 of 2024, etc. batch

and pay the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner along with arrears within a time frame to be fixed by this court.

For petitioner : Ms.B.S.Ajeetha

For respondent : Mr.V.Vijayshankar

COMMON ORDER

The issue arising in all the writ petitions are same and the respondents against whom the directions are sought are also same. Hence this Court passes a common order in all the writ petitions.

2. The Writ Petition in WP.No.11104 of 2024 has been filed for direction to the respondent bank to sanction and pay the arrears of subsistence allowance in accordance with the directions of this court in WP Nos. 29940 to 29942 of 2005 and batch dated 30.08.2011 and the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the petitioner's husband along with arrears within a time frame to be fixed by this court.



3. The learned counsel for the petitioner would submit that the petitioner's husband joined service as Junior Assistant in the year 1976. He was placed under suspension while he was working as Assistant Manager in the year 2003 and the suspension continued indefinitely till his superannuation on 31.12.2006. The petitioner's husband and few other employees moved the Authority under the Payment of Subsistence Allowance Act for grant of enhanced subsistence allowance. The authority passed common order dated 15.04.2005. Challenging the same, those persons filed writ petitions before this Court in WP.Nos.29940 to 29942 of 2005 and this Court by its order dated 30.08.2011 confirmed the order passed by the Authority under the Payment of Subsistence Allowance Act. However, the respondent bank did not take any action to implement the order issued by that Authority as well as this Court thereby the writ petition has been filed seeking the above said direction.

4. The learned counsel for the respondent sought time to get instructions from the respondents.

5. Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.



6. Though the learned counsel for the respondent sought time to get instructions from the respondent, the facts and circumstances of the case are not in dispute. Admittedly, the petitioner was placed under suspension. For non payment of subsistence allowance, the petitioner's husband filed application before the Authority under the Payment of Subsistence Allowance Act. The Authority passed order in favour of the petitioner's husband. Aggrieved by the same, the respondent filed a batch of writ petitions before this court in WP.Nos.29940 to 29942 of 2005 and those writ petitions were dismissed. Therefore, not paying the subsistence allowance while placing the petitioner under suspension in the absence of any provision for retaining the services, is unsustainable one. Hence, there shall be a direction to the respondent to settle the subsistence allowance arrears and eligible terminal benefits.

7. In similar facts and circumstances, also the writ petition in WP.No.10563 of 2024 has been filed by the wife of the employee of the same respondent and the writ petitions in WP.Nos.11107 & 11112 of 2024 have been filed by the employees of the respondent seeking arrears of subsistence allowance and terminal benefits in terms of the directions of this court in WP Nos. 29940 to 29942 of 2005 and batch dated 30.08.2011.



8. Also, the writ petitions in WP.Nos.12400, 11113, 11116 & 11118 of 2024 have been filed by the employees of the same respondent seeking direction to the same respondent bank to sanction and pay the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to them along with arrears. Therefore, the respondent can be issued a direction.

9. Hence, the respondent is directed to settle the eligible terminal benefits including the subsistence allowance arrears till the date of retirement to the petitioners in WP.Nos.11104, 10563, 11107 & 11112 of 2024 in terms of the order passed by the Authority under the Payment of Subsistence Allowance Act and also the directions of this court issued in WP Nos. 29940 to 29942 of 2005 and batch dated 30.08.2011 within a period of three months from the date of receipt of this order, if there is no legal impediment.

10. In respect of the writ petitions in WP.Nos.12400, 11113, 11116 & 11118 of 2024, the respondent bank is directed to sanction and pay the admissible terminal benefits such as gratuity, EPF Contributions (both employee and employer), Earned Leave Encashment and Group Insurance payable to the respective petitioners along with arrears, if there is no legal impediment.



W.P. No.11104 of 2024, etc. batch

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11. With the above directions, all the writ petitions stand disposed of. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

28.01.2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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W.P. No.11104 of 2024, etc. batch

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To

THE MANAGING DIRECTOR,
DHARMAPURI COOPERATIVE TOWN BANK LTD.,
DHARMAPURI



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W.P. No.11104 of 2024, etc. batch

M. DHANDAPANI, J.

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W.P. Nos.11104, 11107, 11112, 11113, 11116,
11118, 10563 & 12400 of 2024

28.01.2026