

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.10150 of 2015
and
M.P.No.1 of 2015

B.Kandasamy

...Petitioner

Versus

1. The Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.
2. K.Sagajanandam
Enquiry Officer,
Co-operative Sub-Registrar/Field Officer,
Melmalaiyanoor,
O/o.Deputy Registrar of Co-operative Societies,
Jayapuram, Tindivanam, Villupuram District.

...Respondents

Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to furnish the 28 documents sought for by the petitioner representation dated 21.03.2015 and 28.03.2015.

For Petitioner : Mr.R.Karunakaran

For Respondents : Mr.D.Venkatachalam
Government Advocate

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O R D E R

The petitioner is an employee of Nolambur Primary Agricultural Co-operative Bank Ltd. A disciplinary proceedings was initiated against him, an Enquiry Officer was appointed and he has a grievance over the conduct of the enquiry. Hence, the petitioner has come forward with this Writ Petition seeking for a direction to the respondents herein for furnishing certain documents.

2.I am of the view that the Writ Petition against the Co-operative Society is not maintainable, in the light of the larger Bench Judgment of this Court in [K.Marappan Vs. The Deputy Registrar of Co-operative Societies (Namakkal)] (2006) (4) CTC 689. Hence the Writ Petition is dismissed. However the dismissal of the Writ Petition would not preclude the petitioner to seek remedy under Section 153 of the Co-operative Societies Act.

3.At this juncture, the learned Counsel for the petitioner submitted that the petitioner was not paid subsistence allowance from 01.08.2014.

4.If the petitioner was not paid the subsistence allowance, the first respondent should see that the subsistence allowance is paid by issuing appropriate orders. Deprivation of subsistence allowance amounts to deprivation of livelihood and same is violative of Article 21 of the Constitution of India. Hence, a direction is issued to the first respondent to issue suitable direction to the Officer concerned in Nolambur Primary Agricultural Co-operative Bank Ltd., to pay the subsistence allowance to the petitioner, during the pendency of the disciplinary proceedings, as per the laws governing and read with Tamil Nadu Payment of Subsistence Allowance Act. The arrears of the subsistence allowance shall also be paid within a period of one month from the date of receipt of a copy of this order and the concerned Society shall continue to pay the subsistence allowance every month on or before 10th of the succeeding month, till the completion of disciplinary proceedings. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rpa/ds

To

1. The Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.

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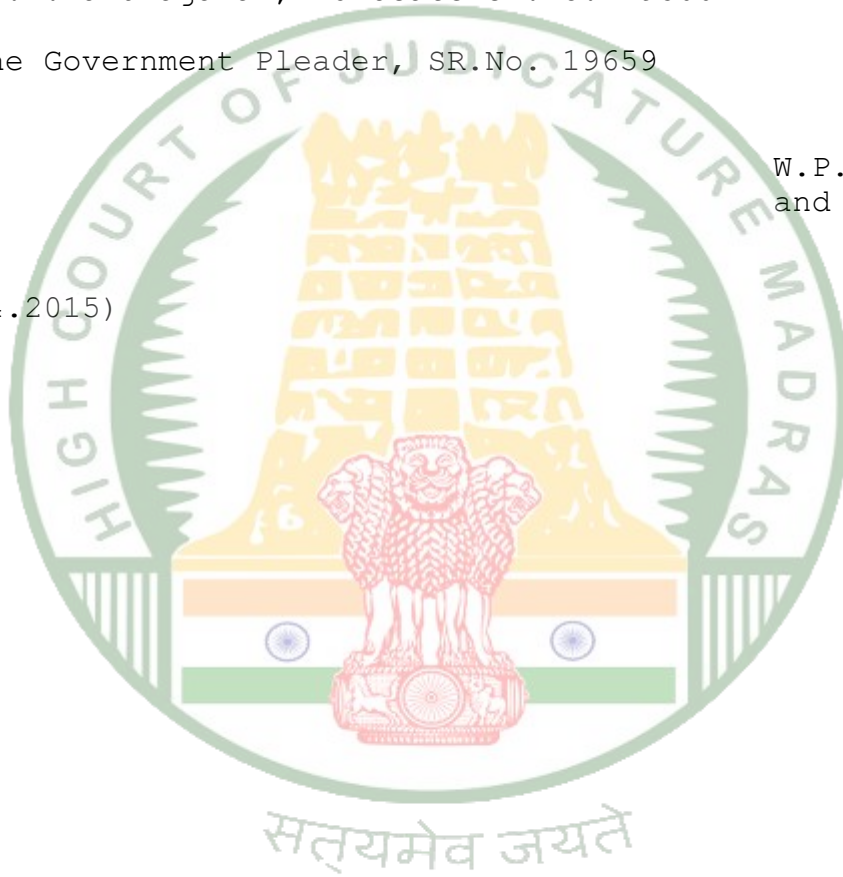
2. K.Sagajanandam
Enquiry Officer,
Co-operative Sub-Registrar/Field Officer,
Melmalaiyanoor,
O/o.Deputy Registrar of Co-operative Societies,
Jayapuram, Tindivanam, Villupuram District.

1 CC to Mr.R.Karunagaran, Advocate SR.No. 19500

1 CC to the Government Pleader, SR.No. 19659

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SSI (CO)
PSI (21.04.2015)



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