

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.16211 of 2015 and
M.P.No.1 of 2015

S.A.Ramalingam

... Petitioner

vs.

- 1.The Registrar of Cooperative Societies (Housing)
Tamilnadu Housing Board Complex,
Nandanam, Chennai.
- 2.Deputy Registrar of Cooperative Societies (Housing)
18, Varadanathan Street,
Vedachala Nagar, Chengalpattu (Po) & (Tk).
- 3.The Tiruvallur Taluk Cooperative Housing Society,
Rep. by its President,
No.210, M.V.Complex, II Floor,
C.V.Naidu Salai, Tiruthani Road, Tiruvallur (Po) & Dt
- 4.Domestic Enquiry officer
C/o Thiruvallur Taluk,
Cooperative Housing Society Ltd.,
No.210, M.V.Complex, II Floor,
C.V.Naidu Salai, Tiruthani Road,
Tiruvallur (Po) & (Dt)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents to pay subsistence allowance to the petitioner from the date of suspension on 25.10.2014 with arrears and thereafter continue to pay the subsistence allowance every month in accordance with law till the conclusion of the disciplinary proceedings.

For Petitioner : Mr.P.Anbarasan

For Respondents : Mr.Bala Ramesh
Addl. Government Pleader
for R1 and R2
Ms.P.Rajalakshmi
Government Advocate for R3

O R D E R

The petitioner is an employee of the third respondent Society. He was placed under suspension by an order dated 25.10.2014. He was issued with a charge memo dated 21.11.2014.

2. The petitioner filed a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act against the order of suspension. The Revisional Authority passed an order on 11.02.2015 staying the operation of the suspension order after hearing the third respondent Society.

3. The third respondent Society filed a review petition under Section 154 of the Act to review the order dated 11.02.2015 granting stay of suspension.

4. While so, the petitioner filed a writ petition in W.P.No.12195 of 2015 to quash the enquiry notice dated 02.02.2015 issued by the third respondent Society, since the third respondent Society failed to restore him to duty pursuant to the order of the revisional authority.

5. This Court after hearing both sides disposed of the said writ petition on 29.04.2015 directing the third respondent Society to reinstate the petitioner pursuant to the order of the Revisional Authority and the Revisional Authority was directed to dispose of the review petition filed by the third respondent Society after reinstatement of the petitioner.

6. The third respondent society filed writ appeal in W.A.No.762 of 2015 against the order dated 29.04.2015 in W.P.No.12195 of 2015. The Division Bench admitted the writ appeal and granted interim stay on 20.05.2015.

7. The petitioner has filed this writ petition seeking to pay subsistence allowance in view of the aforesaid developments. According to the petitioner, the third respondent could not proceed with the enquiry without paying subsistence allowance.

8. In view of the aforesaid facts and in view of the limited prayer made by the petitioner, I am inclined to dispose of the writ petition, directing the third respondent to pay subsistence allowance before proceeding with the enquiry.

9. Accordingly, the writ petition is disposed of and the third respondent is directed to pay subsistence allowance to the petitioner on or before 10th day of every month commencing from the month of July 2015 till the completion of enquiry and further directed to pay the arrears of subsistence allowance before proceeding with the enquiry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

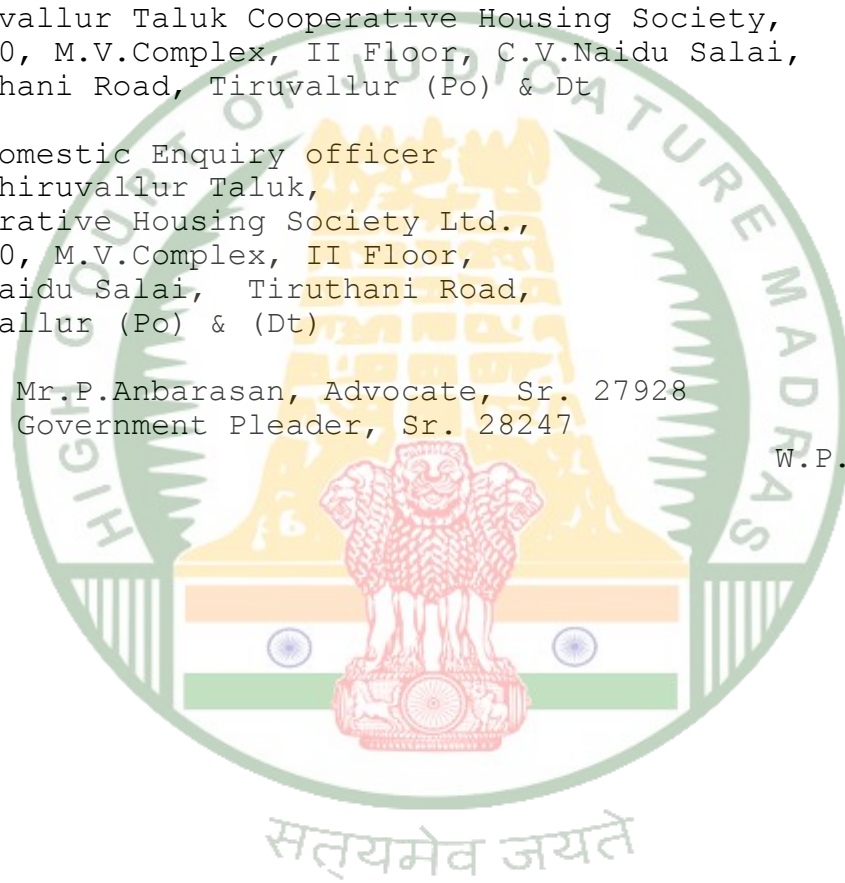
To

- 1.The Registrar of Cooperative Societies (Housing)
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- 2.The Deputy Registrar of Cooperative Societies (Housing)
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- 3.The President
Tiruvallur Taluk Cooperative Housing Society,
No.210, M.V.Complex, II Floor, C.V.Naidu Salai,
Tiruthani Road, Tiruvallur (Po) & Dt
- 4.The Domestic Enquiry officer
C/o Thiruvallur Taluk,
Cooperative Housing Society Ltd.,
No.210, M.V.Complex, II Floor,
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Tiruvallur (Po) & (Dt)

1 cc to Mr.P.Anbarasan, Advocate, Sr. 27928
1 cc to Government Pleader, Sr. 28247

W.P.No.16211 of 2015

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