

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.17228 of 2015

and

M.P.No.1 of 2015

G.Mohanan

.. Petitioner

.. Vs ..

1. The Joint Registrar of
Co-operative Societies,
Tiruvallur Region,
Tiruvallur, Tiruvallur District.

2. The President,
J.J.601, Meyyur Primary
Agricultural Co-op.
Credit Society,
Meyyur Village & Post
Uthukottai Taluk,
Tiruvallur District.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the subsistence allowance to the petitioner for the period under suspension from 26.11.2012 to 31.05.2015 to the tune of Rs.8,99,848/- for every succeeding month.

For Petitioner : Mr.C.Prakasam

For R-1 : Mr.D.Venkatachalam,
Government Advocate

ORDER

The matter is relating to payment of subsistence allowance. The petitioner was placed under suspension from 26.11.2012. But, according to the petitioner, no subsistence allowance is paid.

2. Today, the learned counsel for the second respondent / Co-operative Society has produced a resolution dated 27.06.2015 stating that the society is willing to pay subsistence allowance to the petitioner.

3. However, the learned counsel for the second respondent / Co-operative Society seeks six months time to pay the arrears of subsistence allowance.

4. I am not inclined to give the time as sought for. Denial of subsistence allowance amounts to deprivation of livelihood and the same is violative of Article 21 of the Constitution of India.

5. The learned counsel for the second respondent / Co-operative Society has submitted that the Society is running at loss. If the Society is running at loss, the Society can very well close its business. The alleged loss incurred by the Management cannot be a ground to deny or delay the payment of subsistence allowance.

6. Hence, the Writ Petition is disposed of, directing the second respondent / Co-operative Society to pay arrears of subsistence allowance within a period of four weeks from the date of receipt of a copy of this order and continue to pay the subsistence allowance every Month on or before 10th of succeeding month till the completion of the disciplinary proceedings and passing of the final orders. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jrl
To

1. The Joint Registrar of Co-operative Societies,
Tiruvallur Region,
Tiruvallur, Tiruvallur District.
2. The President,
J.J.601, Meyyur Primary Agricultural Co-op.
Credit Society, Meyyur Village & Post
Uthukottai Taluk,
Tiruvallur District.

+1cc to Mr.C. Prakasam, Advocate, S.R.No.32421
+1cc to the Government Pleader, S.R.No.32623

KK(CO)
EU(10/07/2015)

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