

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D. HARI PARANTHAMAN

W.P.No.18567 of 2015
M.P.Nos.1 and 2 of 2015

V.P.Rajendran

... Petitioner

v.

1. The Joint Registrar of Co-operative Societies,
Tiruvallur Region, Collectorate Campus,
Tiruvallur, Tiruvallur District.
2. The President,
V.K.N.Kandigai Primary Agricultural
Co-operative Credit Society,
V.K.N. Kandigai Post,
Tiruthani Taluk, Tiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent, in his proceedings No.6/2013/Tha, dated 09.02.2015, quash the same and consequently, directing the respondents to disburse the subsistence allowance to the petitioner from 50% to 100%, as per Bye-Law and as per Tamil Nadu Subsistence Allowances Act, 1981.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Bala Ramesh,
Addl. Government Pleader

O R D E R

The writ petition is taken up for final disposal, since the matter lies in the narrow compass.

2. I have heard the submissions on either side and perused the materials available on record.

3. The petitioner is placed under suspension from 01.02.2014, by the 2nd respondent-Co-operative Society. He was paid subsistence allowance, at the rate of 50% of the wages, from 01.02.2014 onwards. According to him, he should be paid subsistence allowance at the rate

of 50% of the wages, from 01.02.2014 to 30.04.2014; 75% of the wages from 01.05.2014 to 31.07.2014; and 100% of the wages thereafter, till the final orders are passed. The said request was rejected by the second respondent, by an order, dated 09.02.2015. The petitioner has filed this writ petition, to quash the aforesaid order.

4. Since the petitioner has got an effective alternative remedy, either before the authority, under the Tamil Nadu Subsistence Allowance Act, 1981 or under Section 153 of the Tamil Nadu Co-operative Societies Act, 1873, he should seek his remedy in those forums. Hence, I am not inclined to entertain this writ petition.

5. However, at this juncture, learned counsel for the petitioner submitted that there is some delay in approaching the revisional authority, under Section 153 of the Tamil Nadu Co-operative Societies Act, 1873. If the petitioner approaches the revisional authority, within a period of three weeks, from today, the revisional authority is directed to dispose of the revision, on merits and in accordance with law, as expeditiously as possible, without reference to delay.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

skm

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

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

2. The President,
V.K.N.Kandigai Primary Agricultural
Co-operative Credit Society,
V.K.N. Kandigai Post,
Tiruthani Taluk, Tiruvallur District.

+ 1 cc to Govt.Pleader SR 31820

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