

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32579 of 2015

K.Murugesan

... Petitioner

Vs.

1. The Registrar (Housing)
Co-Operative (Housing Societies),
Tamil Nadu Housing Board Complex,
No.493, Anna Salai,
Nandanam, Chennai-35.
 2. The Deputy Registrar, (Housing)
Regional Co-Operative Housing Societies,
No.15, 1st West Main Road, Gandhi Nagar,
Vellore.
 3. K.Loganathan
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondent to pass necessary orders on petitioner representation dt 19.3.2015 for disbursement of the salary for the month of May 2013 till Oct 2013 apart from non-payment of arrears on dearness allowance from Jan 2013 to June 2013 at the rate of 8% and Dearness Allowance from July 2013 to Dec 2013 at the rate of 10% and Dearness Allowance from Jun 2014 to Dec 2014 at the rate fixed by the Government Subsistence Allowance from the period from suspension date 16.11.2013 till date and other attendant benefits.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.R.Bala Ramesh
Additional Government Pleader (Co-op)

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner while working as the Supervisor of the Hosur Co-operative House Building Society, was placed under suspension alleging certain delinquency on his part by the third respondent vide order dated 16.11.2013 and challenging the legality of the said order, he filed W.P.No.32005 of 2013 and this Court ordered notice and ultimately, it was dismissed on the ground that the writ petition is not maintainable. The petitioner has also filed a revision before the jurisdictional Joint Registrar of the Co-operative Societies. The grievance expressed by the petitioner is that though he was placed under suspension as early as on 16.11.2013, he has not been paid with salary for the period from May, 2013 to October, 2013, subsistence allowance from 18.11.2013 onwards and in this regard, he has also submitted a representation dated 19.03.2015 to the second respondent with copy marked to the first respondent and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of Mr.R.Ramesh, learned counsel appearing for the petitioner and Mr.R.Bala Ramesh, learned Additional Government Pleader (Co-operatives) who accepts notice on behalf of the respondents.

4.Admittedly, the petitioner is placed under suspension and therefore, he is entitled to get subsistence allowance either under the bye-law or in terms of the provisions of the Tamil Nadu Payment of Subsistence Allowance Act. It is the specific stand of the petitioner that even prior to the order of suspension, he has not been paid with salary and he has not been paid with subsistence allowance also pending suspension.

5.Therefore, this Court in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 19.03.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar (Housing)
Co-Operative (Housing Societies),
Tamil Nadu Housing Board Complex,
No.493, Anna Salai,
Nandanam, Chennai-35.
2. The Deputy Registrar, (Housing)
Regional Co-Operative Housing Societies,
No.15, 1st West Main Road, Gandhi Nagar,
Vellore.

+1cc to Mr.R.Ramesh, Advocate, S.R.No.56729
+1cc to the Government Pleader, S.R.No.56858

W.P.No.32579 of 2015

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