

In the High Court of Judicature at Madras

Dated: 14.10.2015

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The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.32759 of 2015

S.Vanitha

.... Petitioner

Vs.

1. The Registrar (Housing)
Co-operative [Housing Societies],
Tamil Nadu Housing Board Complex,
No.493, Anna Salai,
Nandanam, Chennai - 600 035.
2. The Deputy Registrar (Housing),
Regional Co-operative Housing Societies,
No.15, 1st West Main Road,
Gandhi Nagar, Vellore.
3. The President,
Hosur Co-operative House Building Society,
No.945, Appavoo Nagar,
Thally Road, Hosur.

.... Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to pass necessary orders on my representation dated 19.03.2015 for disbursement of the salary for the month of May, 2013 till October 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 Govt. subsistence allowance from the period from suspension date 04.11.2013 till date and other attendant benefits.

For Petitioner : Mr.R.Ramesh

For Respondents: Mr.R.Bala Ramesh, AGP (Co-op.)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner, while working as Secretary, in-charge, of Hosur Co-operative House Building Society, Hosur, was placed under suspension on 04.11.2013 by the third respondent and it was put to challenge in W.P.No.31715 of 2013 before this Court. This Court, initially, vide order dated 26.11.2013, granted an order of interim stay, but subsequently, dismissed the Writ Petition granting liberty to the petitioner to avail alternate remedy of filing revision before the jurisdictional Joint Registrar under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983. The petitioner has also filed a revision before the Joint Registrar and the same is still pending.

3. The grievance now expressed by the petitioner is that the pay scale admissible to the post of Manager is Rs.10,475/- + Dearness Allowance and House Rent Allowance and the gross amount comes to Rs.32,700/- per month and she was paid salary till April 2013 and from May, 2013 onwards, she was not paid salary. From January, 2013 onwards, she has been denied Dearness Allowance and though she has been placed under suspension, subsistence allowance has also not been paid from November, 2013 onwards. In this regard, she has submitted representations dated 25.12.2013, 20.01.2014, 21.07.2014, 16.08.2014 and 19.03.2015 to the respondents and since no orders have been passed, she came forward to file this Writ Petition.

4. Learned counsel appearing for the petitioner would submit that the jurisdictional Joint Registrar of Co-operative Societies have not passed any orders on the revision petition filed by the petitioner challenging the order of suspension. The petitioner is also not paid with salary from May, 2013, and also not paid subsistence allowance right from November, 2013. Consequently, she and her family are suffering very much and hence prays for appropriate orders.

5. Mr.R.Bala Ramesh, learned Additional Government Pleader, who accepts notice on behalf of respondents would submit that appropriate direction may be given to respondents 2 and 3 to pass orders on the representation submitted by the petitioner.

6. This Court heard the rival submissions of both sides and perused the materials placed before this Court.

7. The petitioner was placed under suspension on 04.11.2013 and it is her grievance that even prior to that, she was not paid with salary from May, 2013 to October, 2013 and even after suspension, the subsistence allowance has not been paid.

8. The underlying concept of payment of subsistence allowance is to enable the employee, who is placed under suspension to maintain himself and his/her family with the minimal amount and the grievance expressed by the petitioner is that amount has not been paid from November, 2013 onwards. This Court has also pointed out to the learned Additional Government Pleader that this Court has come across very many Writ Petitions praying for payment of subsistence allowance. Therefore, the learned Additional Government Pleader shall take up the said issue to the concerned Registrar of Co-operative Societies, so that the employees, who are placed under suspension, are paid with subsistence allowance either in terms of the by laws of the concerned Co-operative Society or in accordance with the provisions of the Tamil Nadu Payment of Subsistence Allowance Act.

9. This Court, in the light of the above facts and circumstances, directs respondents 1 and 2 to consider the representations of the petitioner dated 21.07.2014, 16.08.2014 and 19.03.2015 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

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Sub Asst. Registrar

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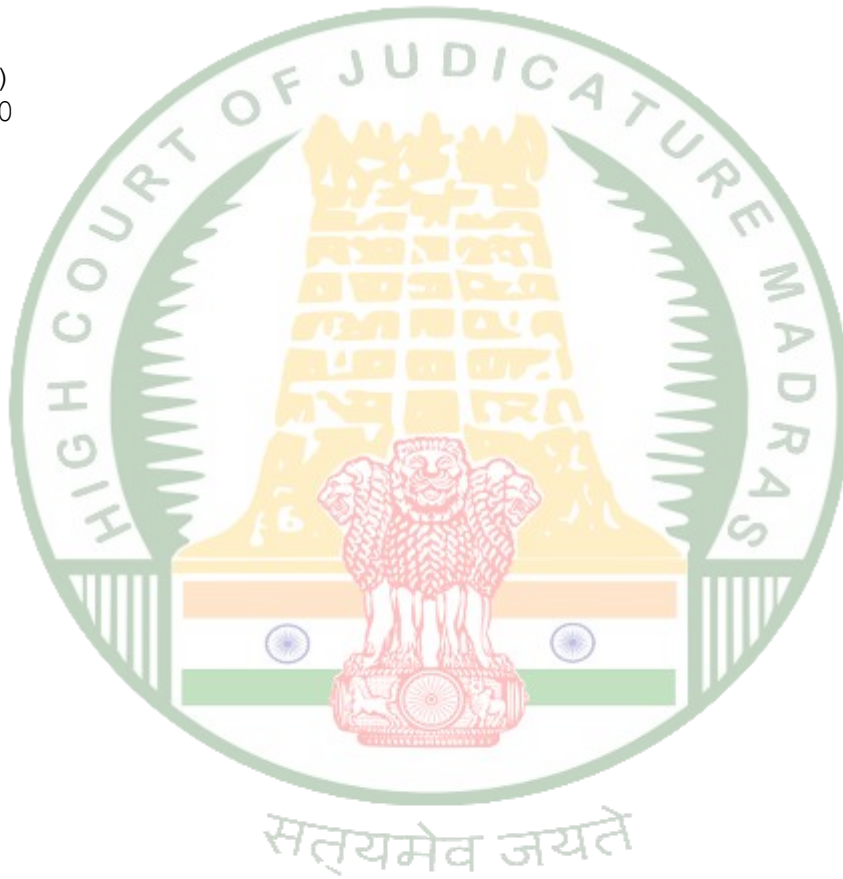
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1 cc to Mr.R. Ramesh, Advocate, Sr. 56731

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