



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2015

Coram

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.11611 of 2015

D.T.Ramila :Petitioner

vs.

1.The Registrar of Cooperative Societies,
M.V.Natarajan Maaligai,
170, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.

2.The Joint Registrar of Co-operative Societies,
Sivagangai Region,
Sivagangai.

3.The Managing Director,
R.S.837, Sivagangai District Consumers-
Cooperative Wholesale Stores Limited,
Sivagangai.

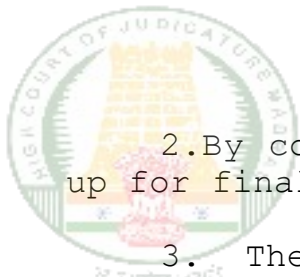
: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the respondents to consider the Petitioner's representations dated 12.2.2014 and 26.08.2014 and consequently to direct the respondents to pay the arrears of subsistence allowance from the month of August 2012 to July 2015 and to direct the respondents to pay the subsistence allowance continuously for every month in accordance with Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981

For Petitioner :M/s.D.Shanmugaraja Sethupathi
For Respondents :Mr.R.Anandraj
Govt.Advocate

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to consider the Petitioner's representations, dated 12.2.2014 and 26.08.2014 and consequently, to direct the respondents to pay the arrears of subsistence allowance from the month of August 2012 to July 2015 and to direct the respondents to pay the subsistence allowance continuously for every month, in accordance with Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981



2. By consent of both parties, the Writ Petition itself is taken up for final disposal.

3. The petitioner submitted that he is a pharmacist and physically challenged person. According to him, he is entitled to payment of subsistence allowance, as per Tamil Nadu Payment of Subsistence Allowance Act, 1981, and that he has not paid any allowance. Petitioner was placed under suspension by the 3rd respondent Society.

4. This Court is not inclined to go into the merits of the case, as the maintainability of the writ petition itself is doubtful, in the light of the larger bench judgment in **(K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal-636 001 and another)** reported in **(2006 (4) CTC 689)**. That apart, since the petitioner is an employee of the 3rd respondent Society and admittedly, the Tamil Nadu Payment of Subsistence Allowance Act, 1981 is applicable to him and hence, his remedy is to approach the authority, under payment of Tamil Nadu Payment of Subsistence Allowance Act, 1981. Therefore, this Court directs the authority, in case any application is made, to consider the case of the petitioner and take a decision on the said application, claiming payment subsistence allowance, in accordance with law, within a period of three months from the date of receipt of the application from the petitioner.

5. With the above observation, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

MPK

To

1. The Registrar of Cooperative Societies,
M.V.Natarajan Maaligai,
170, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.

2. The Joint Registrar of Co-operative Societies,
Sivagangai Region,
Sivagangai.



3.The Managing Director,
R.S.837, Sivagangai District Consumers-
Cooperative Wholesale Stores Limited,
Sivagangai.

+1cc to SPL. GOVERNMENT PLEADER in SR.NO.38037

+1cc to M/S.D. SHANMUGARAJA SETHUPATHI Advocate, in SR.NO.37535

gcs/27/07/2015/3p/6c

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