

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.1017 of 2014
and
MP.No.1 of 2014

The President
K.K.41 Thumbalahalli Primary Agricultural
Co-op. Credit Society,
Thumbalahalli, Kettinganahalli Post
Palacode Taluk,
Dharmapuri District. ... Appellant/2nd Respondent

vs.

1.P.Chinnamanickam ...1stRespondent/Petitioner
2.The Joint Registrar of Cooperative Societies,
Dharmapuri Region,
Dharmapuri District. ...II Respondent/I Respondent

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 23.04.2012 made in W.P.No.11208 of 2012
passed by the learned Single Judge of this Court.

WP.No.11208/12:

Writ Petition praying to writ of mandamus directing the 1st
respondent to pass appropriate orders on the representation
dt.18.1.2010 made by the Petitioner herein with a stipulated
time period as may be fixed by this Hon'ble Court.

For Appellant : Mr.M.Digvijaya Pandian

For R1 : Mr.A.Sundaravadanam

For R2 : Mrs.T.P.Savitha, GA

JUDGMENT

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This Writ Appeal is arising out of the order, considering
the representation of the writ petitioner dated 18.01.2010,
seeking subsistence allowance.

2. Heard both sides and perused the materials placed before this Court.

3. From the facts made available herein, it is seen that the writ petitioner was suspended from service on 20.03.2009. However, he was not paid any subsistence allowance during that period. Hence, he submitted representations dated 18.01.2010, 23.01.2012 and 13.03.2012, which were not considered. Therefore, he filed a writ petition in W.P.No.11208 of 2012, which was disposed of, by an order dated 23.04.2012, wherein, the learned Single Judge has directed the respondents therein to consider the representation dated 18.01.2010 within a period of four weeks. As against the same, the present writ appeal came to be filed by the Society.

4. A perusal of the order impugned herein would reveal that a direction was issued to the respondents therein i.e., (i) Joint Registrar of Co-operative Societies, Dharmapuri District and (ii) Special Officer of K.K.41, Thumbalahalli Primary Agricultural Co-operative Credit Society, Dharmapuri District, to pass appropriate orders on the representation submitted by the writ petitioner, with regard to payment of subsistence allowance during the suspension period, on account of the misconduct alleged to have been committed by the writ petitioner. Therefore, it is for the respondents therein to take a decision on the representation, as per the direction of this Court dated 23.04.2012.

5. We do not think that the Appellant has got any grievance as against the order passed by the learned Single Judge, as it is only to consider the representation of the writ petitioner dated 18.01.2010 seeking subsistence allowance and nothing else.

6. In such view of the matter, the appeal filed by the Appellant, that too, after four years, does not require any interference by this Court, as no grievance is expressed by the Appellant, except considering the representation of the writ petitioner, seeking subsistence allowance.

7. Regarding the enquiry initiated against the writ petitioner, we do not know the stage of the same. Therefore, it is made clear that it is for the respondents in the writ petition to pass appropriate orders on the representation of the writ petitioner seeking subsistence allowance and pay the same, if not already paid, as per law, within a period of two months from the date of receipt of a copy of this order and continue to pay the subsistence allowance till the completion of the enquiry proceedings.

8. The Writ Appeal is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

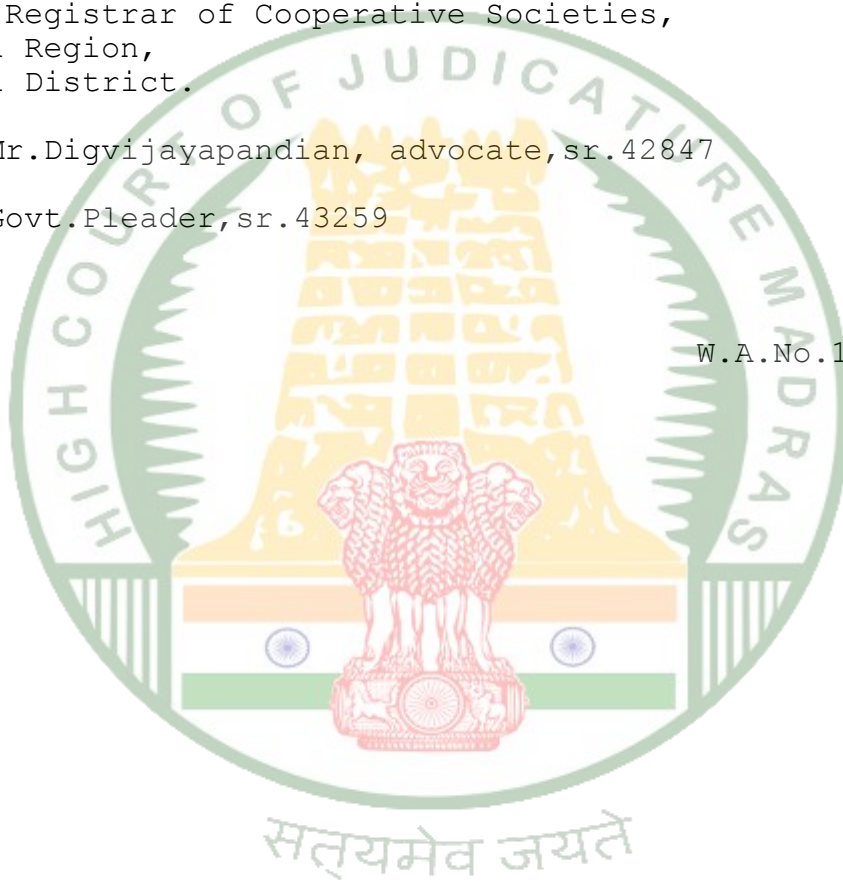
The Joint Registrar of Cooperative Societies,
Dharmapuri Region,
Dharmapuri District.

+1 cc to Mr.Digvijayapandian, advocate,sr.42847

+1 cc to Govt.Pleader,sr.43259

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W.A.No.1017 of 2014



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