

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40709 of 2015 and M.P.No.1 of 2015

N.Palanimalai

...Petitioner

Vs

1. The Joint Registrar of Co-operative Societies,
Villupuram Region, Villupuram,
Villupuram District

2. The President,
I.I.646, Jambai Primary Agricultural
Coop. Credit Society, Jambai & Post,
Tirukoilur Taluk,
Villupuram District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to implement the order passed by the 1st respondent in his proceedings Na.Ka.No.4978/2013Sa.Pa, dated 22.11.2013 and consequently direct the 1st respondent to issue suitable directions to the 2nd respondent to disburse the petitioner's balance subsistence allowance comes around to the tune of Rs.56,912/- for the period from 01.1.2013 to 23.07.2014 and interest for the period from 01.11.2013 to 13.12.2015 to the tune of Rs.17,194/- totaling in all to the tune of Rs.74,106/-

For Petitioner

: Mr.C.Prakasam

For Respondents

: Mr.L.P.Shanmugasundaram

Special Government Pleader

O R D E R

The case of the petitioner is that while he was working as Assistant Secretary in the second respondent society, the second respondent placed the petitioner under suspension by passing a resolution dated 31.07.2013. It is also held that he is not entitled for payment of subsistence allowance. The petitioner filed a statutory revision under Section 153 of the Tamil Nadu

Cooperative Societies Act, 1983 before the first respondent on 19.08.2013.

2.The petitioner would further state that earlier he filed a writ petition WP.No.24202 of 2013 and this Court by order dated 30.08.2013 directed the first respondent to dispose of the revision petition. Accordingly, the first respondent by his order dated 22.11.2013 directed the second respondent to disburse the subsistence allowance. Despite the same, the second respondent has not disbursed the subsistence allowance to the petitioner. Therefore, the petitioner gave another representation to the first respondent on 15.12.2015 requesting him to issue suitable direction to second respondent to disburse 100% subsistence allowance together with arrears. Since, no order has been passed, the petitioner filed the present writ petition.

3.Heard the submissions of Mr.C.Prakasam, learned counsel appearing for the petitioner and M/s.L.P.Shanmugasundaran, Special Government Pleader who accepts notice on behalf of the respondents.

4.Though, the petitioner prayed for larger relief, this Court, taking into consideration the facts of this case and without going into the merits of the same, directs the first respondent to consider the representation of the petitioner dated 15.12.2015 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

5.The Writ Petition is disposed of accordingly. Consequently connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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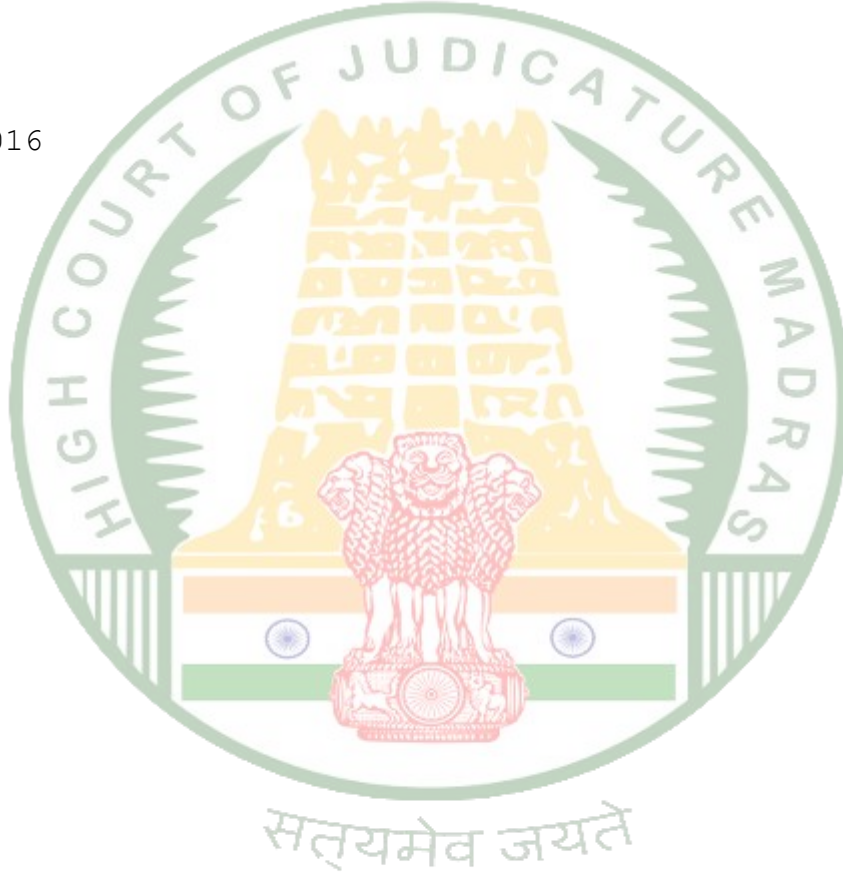
To

1. The Joint Registrar of Co-operative Societies,
Villupuram Region, Villupuram,
Villupuram District

+1 cc to C.Prakasam Advocate sr.253
+1 cc to L.P.Shanmugasundaram Advocate sr.99
+1 cc to Government pleader sr.635

W.P.No.40709 of 2015

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