

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43840 of 2016

G.Sakthivel

... Petitioner

Vs.

1. The Joint Registrar of Cooperative Societies Common Cadre Authority, Dharmapuri Region, Dharmapuri.
2. No.S.613, Pangunatham Primary Agricultural Cooperative Society Ltd., Rep. By its President, Pangunathan, Dharmapuri Taluk & District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the first respondent herein to pay the subsistence allowance due to the petitioner for the period of his suspension from 12.12.2014 to 04.01.2016 by consider the petitioner's representation dated 08.03.2016 in the light of judgment of the Division Bench of this Court reported in 2009 (1) MLJ 18 and 2009 (7) MLJ 1025 and W.P.No.10849 of 2009 dated 11.12.2009.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.L.P.Shanmugasundarm,
Special Government Pleader [R1]
Mrs.T.Girija,
Government Advocate [R2]

O R D E R

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

2. The petitioner, while working as a Secretary of the second respondent Society, was placed under suspension with effect from 12.12.2014, vide proceedings of the second respondent dated 05.01.2015. The petitioner was also issued with a charge memo on 28.02.2015 and he submitted his explanation and considering the same, charges were dropped and order of suspension was revoked and he also rejoined duty and

working as Secretary of the Society as on today. The grievance expressed by the petitioner is that during the period of suspension i.e., between 12.12.2014 to 05.01.2016, the subsistence allowance have not been paid and in this regard, has also sent a representation dated 08.03.2016 to the first respondent and despite receipt and acknowledgment, it has not been given disposal and therefore, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that in the light of the judgment reported in 2009 (7) MLJ 1025 (DB) [Special Officer, M.Pakkam Primary Agricultural Co-operative Bank Vs. M.Srinivasan], the petitioner-Secretary of the second respondent society is also entitled to get subsistence allowance during the period of suspension and further invited the attention of this Court to the order dated 11.02.2001 made in W.P.Nos.36173 and 10849 of 2009 and prays for appropriate orders.

4. This Court heard the submission of Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepts notice on behalf of the first respondent and Mrs.T.Giriya, who accepts notice on behalf of the second respondent.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, permits the petitioner to submit a representation to the second respondent along with a copy of this order as well as a copy of the earlier representation dated 08.03.2016 submitted to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider and pass orders on merits and in accordance with law, within a period of eight weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm

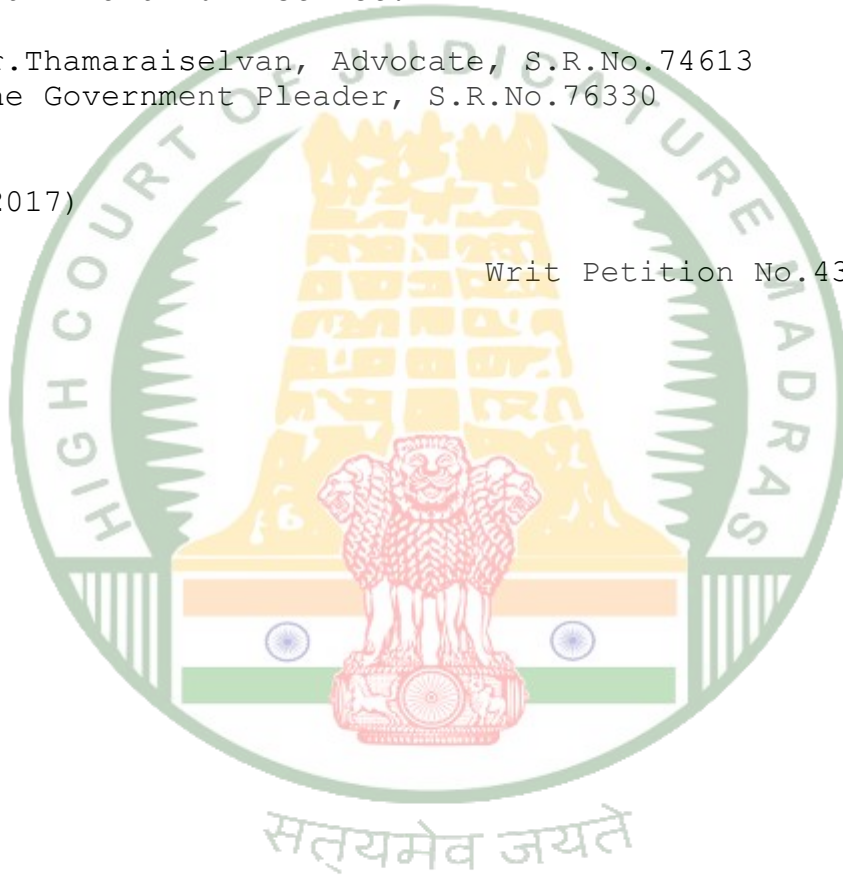
To

1. The Joint Registrar of Cooperative Societies Common Cadre Authority,
Dharmapuri Region, Dharmapuri.
2. The President,
No.S.613, Pangunathan Primary
Agricultural Cooperative Society Ltd.,
Pangunathan,
Dharmapuri Taluk & District.

+1cc to Mr.Thamaraiselvan, Advocate, S.R.No.74613
+1cc to the Government Pleader, S.R.No.76330

CA(CO)
RS(19/01/2017)

Writ Petition No.43840 of 2016



WEB COPY