



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2016

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THE HONOURABLE **MRS.JUSTICE PUSHPA SATHYANARAYANA**

W.P(MD) .No.2059 of 2016

R.MANIVEL

.. Petitioner

Vs.

1. THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
ADDITIONAL BUILDING,
DISTRICT COLLECTORATE COMPLEX,
THANTHONIMALAI, KARUR DISTRICT.

2. THE DEPUTY REGISTRAR OF
CO-OPERATIVE SOCIETIES, NO.149, ANNA NAGAR,
MAIN ROAD, THANTHONIMALAI,
KARUR DISTRICT.

3. THE PRESIDENT R-1575,
KATAMPAKURUCHI PRIMARY AGRICULTURAL CO-
OPERATIVE CREDIT SOCIETY,
KATAMPAKURUCHI POST,
MANMANGALAM TALUK,
KARUR DISTRICT.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a WRIT OF MANDAMUS directing the 3rd respondent to pay subsistence allowance from the month of December 2012 to till date and for the succeeding months in terms of Rule 31(2) of the Special By-Law of the Primary Agricultural Co-operative Credit Society Ltd and by considering the petitioner's representations, dated 29.06.2013 and 27.01.2016 within a time stipulated by this Court.

For Petitioner

: Mr.C.Venkatesh Kumar for
M/s.Ajmal Associates

For R1 and R2

: Mr.M.Murugan
Government Advocate

**ORDER**

The petitioner has been placed under suspension on 21.11.2012 and so far, he has not been paid the subsistence allowance. As per Rule 31(2) of the Special By-law of the Primary Agriculture Co-operative Credit Society Ltd., any suspended employee is entitled to the subsistence allowance in accordance with the Provision of the Tamil Nadu Payment of Subsistence Allowance Act, 1981.

2. Though the petitioner had approached the third respondent several times for payment of subsistence allowance, during the suspension period and also given representations to the third respondent on 29.06.2013 and 27.01.2016, there has been no response from the third respondent. Therefore, the present writ petition has been filed for a direction to the third respondent to pay the subsistence allowance from the month of December 2012 till date and for the succeeding months in terms of Rule 31(2) of the Special By-Law of the Primary Agricultural Co-operative Credit Society Ltd by considering the petitioner's representations, dated 29.06.2013 and 27.01.2016.

3. After notice, the learned Government Advocates took time for taking instructions. However, they are unable to say why the respondents have not paid the subsistence allowance to the petitioner inspite of the fact that the petitioner has been suspended from service in November 2012. It is also admitted that he is entitled to the subsistence allowance.

4. Accordingly, without going into the merits of the case, the respondents are directed to pay subsistence allowance from the month of December 2012 to till date and for the succeeding months in terms of Rule 31(2) of the Special By-Law of the Primary Agricultural Co-operative Credit Society Ltd and by considering the petitioner's representations, dated 29.06.2013 and 27.01.2016 within a period of six weeks from the date of receipt of a copy of this orders.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



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KATAMPAKURUCHI POST,
MANMANGALAM TALUK, KARUR DISTRICT.

+1cc to Spl.Government Pleader Sr.No.12112

+1cc to Mr.Ajmal Associates, Advocate Sr.No.11793

rj2

AA/SKS-RR/21.03.2016/3p-6c

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