

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.4206/2017

R.Venkatesappa

..Petitioner

Versus

- 1.The Joint Registrar  
O/o.The Joint Registrar of Cooperative  
Society, Krishnagiri District.
  - 2.The Assistant Registrar  
O/o.The Assistant Registrar of  
Cooperative Society, Hosur,  
Krishnagiri District.
  - 3.The President,  
DK-81, Chennasandiram Primary  
Agricultural Cooperative Credit Society  
Limited, Chennasandiram Village  
Avalapalli Post, Hosur Taluk  
krishnagiri District.
- ..Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus directing the respondents to consider the petitioner's representation dated 10.01.2017 and thereby, direct the respondents to pay the arrears of subsistence allowance for the period of suspension from 10.06.2015 to 01.06.2016 and pay the salary since 01.06.2016 to as on today to the petitioner immediately.

For Petitioner : Mr.A.Rajesh Kanna  
For Respondents: Mr.L.P.Shanmugasundaram  
Spl.GP [Coop]

ORDER

By consent, the writ petition is taken up for final disposal. Mr.L.P.Shanmugasundaram, learned Special Government Pleader [Coop] accepts notice on behalf of the respondents.

2 The petitioner while working as Fertilizer Salesman in the service of the 3<sup>rd</sup> respondent / Society, was placed under suspension on 10.06.2015 with regard to the alleged misconduct/misdeeds. Thereafter, the order of suspension was revoked and the petitioner was reinstated into service on 01.06.2016 and according to him, for the period of suspension, between 09.06.2015 and 01.06.2016, he has not been paid with the subsistence allowance and in this regard, the petitioner has also submitted a representation dated 08.10.2015 to the authorities concerned ; but it failed to invoke any kind of response. The grievance now expressed by the petitioner is that though he joined duty on 01.06.2016, and discharging his duty, the salary due and payable to him, have not been paid. In this regard, the petitioner has also submitted a representation dated 10.01.2017 to the 3<sup>rd</sup> respondent and despite receipt and acknowledgment, so far no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader [coop] appearing for the respondents, who would submit that the relief sought against the 3<sup>rd</sup> respondent / Society in the form of the present writ petition, is not maintainable.

4 The Court had considered the rival submissions and also perused the materials placed before it.

5 It is the specific case of the petitioner that though he was reinstated in service on 01.06.2016, the subsistence allowance for the period of suspension between 09.06.2015 and 01.06.2016 has not been paid and that apart, the salary due and payable is also not paid and in the considered opinion of the Court, the said act on the part of the 3<sup>rd</sup> respondent appears to be in violation of Article 21 of the Constitution of India.

6 This Court, taking into consideration, the above facts and circumstances, permits the petitioner to submit one more representation to the 3<sup>rd</sup> respondent along with a copy of this order as well as a copy of his earlier representation dated 10.01.2017 within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the 3<sup>rd</sup> respondent is directed to consider the said representation on merits and in accordance with law and pass appropriate orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Joint Registrar  
O/o.The Joint Registrar of Cooperative  
Society, Krishnagiri District.
- 2.The Assistant Registrar  
O/o.The Assistant Registrar of  
Cooperative Society, Hosur,  
Krishnagiri District.

- + 1 cc to the Government Pleader Sr.11447
- + 1 cc to Mr.A. Rajeshkanna, Advocate Sr.10830
- + 1 cc to L.P.Shanmugasundaram, Advocate SR.11291

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SS(CO)  
EU 1.03.17

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