

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30701 of 2015

P. Muniappan

.. Petitioner

vs

S. 836 Royakottai Primary Agricultural Coop
Credit Society, Royakottai Post, Thenkanikottai TK
Krishnagiri District, Rep.by its President. ... Respondent

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus or any other appropriate writ or order or direction,
calling for the records relating to memo dated 15.07.2015 of the
respondent, quash the same and consequently direct the
respondent to pay subsistence allowance to the petitioner from
12.12.2014, the date of suspension and continue to pay the same
till passing of final orders into the charge memo dated
23.02.2015 of the respondent.

For Petitioner : Mr. S. Venkataraman
For Respondent : Mr.L.P. Shanmugasundaram
Special Government Pleader

O R D E R

The order of rejection, rejecting the claim of the writ
petitioner to pay a subsistence allowance is under challenge in
this writ petition.

2. The relief sought for in this writ petition is against
the respondent which is a Cooperative Society registered under
the provision of Tamilnadu Cooperative Societies Act. No doubt,
right of subsistence allowance is a basic right of the employee,
who is under suspension is entitled to receive the subsistence
allowance for his livelihood.

3. No doubt, non payment of subsistence allowance is
violation of Article 21 of the Constitution of India. The
employee under suspension is not permitted to take any other
employment and therefore subsistence allowance alone will be his
livelihood for the employee. However, in the case on hand, the
writ petitioner is an employee of the Cooperative Society, no

writ can be entertained against the Cooperative Society, in view of the fact that the Society is not a "State" within the meaning under Article 12 of the Constitution of India. Any order passed by the Special Officer or the Board of the Co-operative Society can be challenged only by way of revision, under Section 153 of the Tamil Nadu Co-operative Societies Act. The said legal principle has been well settled, by the larger bench of this court in the case of K.Marappan Vs. Deputy Registrar of Co-operative Society, Namakkal Circle, Namakkal - 636 001 and another reported in 2006 4 CTC 689.

4. Thus, this Court is not inclined to entertain this writ petition. It is left open to the writ petitioner to approach the competent authorities under the provisions of Tamilnadu Cooperative Societies Act, so as to redress his grievances.

5. With these observations, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

rpl

To

The President
S. 836 Royakottai Primary
Agricultural Coop
Credit Society, Royakottai Post, Thenkanikottai TK
Krishnagiri District.

+2 Ccs to Mr.C. Prakasam, advocate sr 66711

+1 CC to Mr.N.S. Venkatraman, advocate sr 66310.

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RJ (CO)
sp(06/10/2017)