

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2017

CORAM

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

W.P.No.30711 of 2015
and M.P.Nos.1 & 2 of 2015

R. Murugesan

.. Petitioner

vs

1. The Joint Registrar of Coop.Societies,
Krishnagiri Region, Krishnagiri,
Krishnagiri District.
2. The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.
3. The President,
Royakottai Primary Agricultural Coop Credit Society
Royakottai Village & Post,
Denkanikottai Taluk,
Krishnagiri District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings No.Nil, dated 15.07.2015 and quash the same and consequently directing the respondents to disburse the subsistence allowance to the petitioner from date of suspension i.e. on 12.12.2014, till date together with arrears and pass orders.

For Petitioner : Mr. C. Prakasam

For Respondents : Mr.L.P. Shanmugasundaram
Special Government Pleader (Coop)

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 and 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, 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. Consequently, connected Miscellaneous Petitions are also dismissed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

WEB COPY

rpl
To

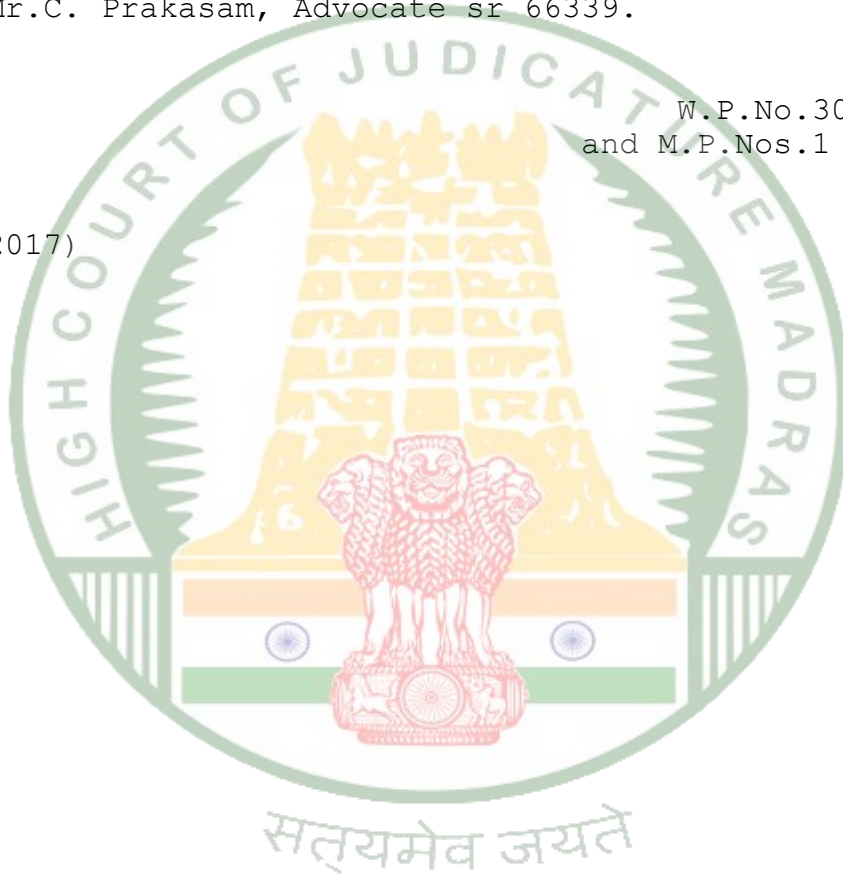
1. The Joint Registrar of Coop.Societies,
Krishnagiri Region, Krishnagiri,
Krishnagiri District.

2. The Deputy Registrar of Co-operative Societies,
Hosur Circle, Hosur,
Krishnagiri District.
3. The President,
Royakottai Primary Agricultural Coop Credit Society
Royakottai Village & Post,
Denkanikottai Taluk,
Krishnagiri District.

+1 CC to Mr.C. Prakasam, Advocate sr 66339.

W.P.No.30711 of 2015
and M.P.Nos.1 & 2 of 2015

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



WEB COPY