

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No.18243 of 2017
and
W.M.P. No.19824 of 2017

K.Alagesan

Petitioner

Vs

1. The Joint Registrar of Cooperative Societies,
Anna Cooperative Training Institute Campus,
Opposite to Collectorate,
Vandavasi Road, Kancheepuram,
Kancheepuram District.
2. The Managing Director,
Sriperumbudur Taluk Agricultural Producers,
Cooperative Marketing Society,
Nazarathpet, Poonamallee Taluk,
Tiruvallur District.
3. The Domestic Enquiry Officer,
O/o. Sriperumbudur Taluk Agricultural Producers,
Cooperative Marketing Society,
Nazarathpet, Poonamallee Taluk,
Tiruvallur District.

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 03.07.2017 within a stipulated time.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader.

ORDER

The writ petition is moved to redress the grievances of the writ petitioner for non-payment of subsistence allowance, which is the right accorded to the employees. The writ petitioner was

placed under suspension on 23rd March 2016 and a charge memo was also issued on 30th June 2017.

2. Learned counsel appearing for the writ petitioner contended that the writ petitioner is unable to defend his case, since, no subsistence allowance has been paid. Subsistence allowance is a basic right of an employee and non-payment is fatal in respect of the continuance of disciplinary proceedings. Subsistence allowance is a basic for livelihood of an employee, who is under suspension and such a right cannot be denied.

3. In such view of the matter, the respondents are directed to consider the representation submitted by the writ petitioner on 3rd July 2017 on merits and pass orders on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

4. With this direction, the writ petition stands disposed of. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

To

1. The Joint Registrar of Cooperative Societies,
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Cooperative Marketing Society,
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Tiruvallur District.

+1 CC to Mr.C. Prakasam, Advocate sr 50452
+1 CC to Mr.L.P. Shanmugasundaram, Advocate sr 50315
+1 Cc to Govt. Pleader sr 51035

W.P.No.18243 of 2017

SP(01/08/2017)



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