



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :17.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.1356 of 2014

A.C.Murugan

..Petitioner

Vs.

1. The Joint Registrar of Co-Operative Societies,
Chinna Chockkikulam,
Madurai,
Rep. through its President.

2.MD Spl. 109 Valandur Primary Agricultural Credit Society,
rep. through its Special Officer,
Valandur Post, Usilampatti Taluk,
Madurai District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ directing the respondents to pay the subsistence allowance eligible to the petitioner for the period of his suspension and direct the respondents to pass interim or final order into the disciplinary action initiated against him considering the prolonged period of suspension of 43 months of the petitioner in respect of Na.Ka. No. 1/2010.

For Petitioner : Mr. V.O.S.Kalaiselvam
For Respondents : Mr. D.Muruganantham,
Additional Government Pleader

O R D E R

This Writ petition has been filed to direct the respondents to pay the subsistence allowance eligible to the petitioner for the period of his suspension and direct the respondents to pass interim or final order on the disciplinary action initiated against him considering the prolonged period of suspension of 43 months of the petitioner in respect of Na.Ka. No. 1/2010.

2. Heard the learned counsel appearing for the petitioner and the Additional Government Pleader appearing for the respondents.

3. The brief facts that are necessary for the purpose of disposing this writ petition are as follows:

The petitioner was working as secretary of the second respondent society from the year 1987. The petitioner was placed under suspension by order dated 08.05.2010. The charge memo dated



28.05.2010 and 06.07.2010 were issued to him. The enquiry against the petitioner is pending. However, the grievance of the petitioner is that the petitioner was not paid subsistence allowance and that he was terminated from service by order dated 08.11.2011. Ultimately, the order on termination was set aside by the first respondent in the revision filed by the petitioner. However, the disciplinary authority was directed to hold a fresh domestic enquiry after affording opportunity to the petitioner and by virtue of the order passed by the first respondent, the order of suspension also was restored. Even after remand, there was no further order, even though the Enquiry Officer submitted his finding on 24.04.2013. Since the petitioner was under suspension for more than 43 months, the petitioner has filed the present writ petition seeking a direction to the respondent to pay subsistence allowance to the petitioner by considering his representation dated 14.07.2010 and the subsequent representation.

4.The learned Additional Government Pleader though does not dispute the entitlement of petitioner to receive 50% of subsistence allowance, disputes the liability of the respondents to pay more than 50% of the subsistence allowance on the ground that the delay in completion of disciplinary proceedings earlier was on account of reasons attributed to the conduct of the petitioner.

5.The learned counsel for the petitioner, however, submitted that the respondents not even paid 50% of subsistence allowance, though they do not dispute.

6.Having regard to the above circumstances, this court is inclined to pass the following order.

7.The respondents are directed to pay admitted subsistence allowance within a period of two weeks from the date of receipt of a copy of this order. The second respondent is directed to consider the representation of the petitioner with regard to the petitioner's entitlement for more than 50% of the pay as subsistence allowance, after considering the case purely on merits and in accordance with law. The second respondent is also directed to consider the number of months for which the petitioner is entitled to receive the subsistence allowance. This exercise shall be done within a period of 8 weeks from the date of receipt of copy of this order.

8.Accordingly, the Writ Petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1. The Joint Registrar of Co-Operative Societies,
Chinna Chockkikulam,
Madurai,
Rep. through its President.

WEB COPY

2. Spl. 109 Valandur Primary Agricultural Credit Society,
rep. through its Special Officer,
Valandur Post, Usilampatti Taluk,
Madurai District.

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 52506

+1CC TO MR.V.O.S.KALAISELVAM, ADVOCATE, SR.52188

W.P. (MD) .No.1356 of 2014
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