



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. [MD] .No.537 of 2011

P.Marichamy

... Appellant

Vs.

1. The Joint Registrar Co-Operative Societies,
Collectorate Complex,
Kumarasamyraja Nagar,
Virudhunagar District.

2. The Special Officer,
R.A.18, Thiruvengadapuram,
Primary Agricultural Co-Operative Bank,
Thiruvengadapuram,
Nathikudi Post, Pillayakulam Via,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 30.09.2010 made in W.P(MD). No.1335 of 2010 on the file of this Court and thereby allow the appeal .

Prayer in WP(MD)No. 1335/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court may be pleased to issue an order or direction or writ, more specifically writ of Mandamus directing the respondents to pay the sum of Rs.89,828/- towards subsistence allowance payable for the period from 22.05.2007 to 28.10.2008 to the petitioner and also the salary payable to the petitioner for the period the petitioner worked from 8.8.2006 to 21.05.2007 to the petitioner and also the salary for the period from 29.10.2008 to 31.01.2010 and also to continue to pay the salary to the petitioner regularly for the subsequent period and also to pay the arrears of salary with 12% interest and granting such other and further relief.

For Appellant

: Mr.I.Suthakaran

For Respondents

: Mr.T.S.Mohamad Mohideen

Additional Government Pleader.

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal challenging the dismissal of the writ petition in W.P.(MD)No.1335 of 2010 by order dated 30.09.2010.

2.The grievance of the writ petitioner is that a sum of Rs.89,828/- payable to him as subsistence allowance was not paid. The learned Judge citing the decision of the Full Bench reported in **[2006 (4) CTC 689] K.Marappan Vs. The Deputy Registrar of Co-operative Societies**, dismissed the writ petition as not maintainable. Aggreived by the same, this intra Court Appeal has been filed.

3.The issue pertains to payment of subsistence allowance. That apart by virtue of the 97th amendment, constitutional status has been conferred on the Co-operative Societies. Therefore, we are of the view that the writ appeal filed by the appellant herein is very much maintainable.

4.The second respondent is directed to pay the said amount to the appellant within a period of three months from the date of receipt of a copy of this order.

5.Accordingly, the writ appeal stands allowed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Registrar Co-Operative Societies,
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Kumarasamyraja Nagar,
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+1cc to Mr.I.Suthakaran, Advocate Sr.No.76222

GSP/MM

VB/JC/SAR1/06/11/2017/2P/4C

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