

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 20.12.2018

CORAM:
THE HON'BLE DR. JUSTICE S.VIMALA

Writ Petition No.33038 of 2018

K.Perumal

.. Petitioner

- Vs -

- 1 The Joint Registrar of Co-operative Societies
Villupuram Zone, Villupuram
- 2 The Management
CL.Spl.99 - Ongur Primary Agriculture Co-Operative
Credit Society Rep. by its President
Ongur Village and Post Tindivanam Taluk
Villupuram District ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus to direct the 2nd Respondent to implement the order of the 1st Respondent dated 11/05/2018 bearing Na.Ka.No.991/2018/Sa.ba by paying the subsistence allowance to the petitioner from 01/10/2016 onwards till the disciplinary Proceedings in respect of the Charge Memo Dated 23/12/2015 is concluded.

For Petitioner : Mr. Balan Haridas

For Respondent : Mr. L.P.Shanmugasundaram, Spl.G.P.,

O R D E R

This writ of mandamus has been filed by the petitioner seeking directions to the second respondent to implement the order of the first respondent, dated 11.05.2018, by which the punishment imposed upon the petitioner has been set-aside and there was a direction to the respondents herein to pay the subsistence allowance. Prior to this, the second respondent, by the order, dated 07.10.2016 imposed the punishment of dismissal of service, who was working as an Attender in the respondents / society. This punishment of dismissal was challenged by the petitioner, by filing the Revision Petition. Only in the Revision Petition, the punishment of dismissal has been set-aside and there was a direction to conduct the enquiry by following the principles of natural justice.

2. When it was pointed out that, despite the Revisional Authority, passing such an order, neither re-enquiry commenced nor subsistence allowance was paid. Then this Court by the order dated 14.12.2018, directed the respondents to pay the subsistence allowance and to report compliance before this Court by 19.12.2018.

3. Again the case is listed today, i.e., on 20.12.2018. The learned counsel appearing for the petitioner submitted that the subsistence allowance was not paid. Already the petitioner has submitted representations dated 06.07.2018, 24.07.2018 and 27.08.2018, claiming a sum of Rs.2,52,195/-, i.e., allowance for the period from 01.10.2016 to 31.08.2018. Despite the representations submitted and orders being passed by this Court, the subsistence allowance is not paid.

4. As the final opportunity, the respondents shall pay the subsistence allowance payable to the petitioner on or before 31.01.2019, failing which, the respondents would lose the right to proceed with the enquiry.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

srk

To

- 1 The Joint Registrar of Co-operative Societies
Villupuram Zone, Villupuram
- 2 The President, Management
CL.Spl.99 - Ongur Primary Agriculture Co-Operative
Credit Society
Ongur Village and Post Tindivanam Taluk
Villupuram District

+1cc to Mr.Balan Haridas, Advocate, S.R.No.89611

W.P.No.33038 of 2018

RV(CO)

rrs 26/12/2018