

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 2351 of 2013

The Special Officer,
K.K.252, Veeramalai Primary Agricultural
Co-operative Credit Society Ltd.,
Veeramalai,
Krishnagiri District .. Appellant

Vs.

1. A.Nagaraj
2. The Joint Registrar of
Co-operative Societies,
Common Cadre Authority,
Dharmapuri Region,
Dharmapuri Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent
against the order dated 06.06.2012 in W.P. No. 9784 of 2008 on
the file of this Court.

W.P. No. 9784 of 2008

Writ Petition filed under Article 226 of the Constitution
of India, for the issuance of writ of Certiorari Mandamus, to
call for the records pertaining to the orders of the 1st
respondent in na.Ka.No.809/2008 Tho.Va dt 28.1.2008 and quash
the same and further direct the respondents to pay the salary
from 1.2.2004 till 5.7.2005 and thereafter subsistence allowance
as per Tamilnadu Payment of Subsistence Allowance Act 1981 .

For Appellant : Mr.M.S.Palaniswamy
For Respondents : Mr.M. Ravi for R1
Mr.L.P.Shanmugasundaram,
Spl. Government Pleader
for R2.

JUDGMENT
(Delivered by M.M.Sundresh,J.)

The issue raised in this appeal is limited to payment of subsistence allowance pending suspension.

2. Though the learned counsel appearing for the appellant would submit that Regulation 29(d)(i) of the Tamil Nadu Primary Agricultural Cooperative Banks Common Cadre Service Regulations, 2000, approved by Government Order passed in G.O.Ms.No. 55, Cooperation, Food and Consumer Protection Department, dated 24.03.2000, has not been complied with by the respondents. The aforesaid issue has already been concluded by this Court as early as on 11.04.2007, in the writ petition filed by the first respondent in WP No. 10032 of 2007. The relevant paragraph of the order reads as under:-

"Therefore, while dismissing this Writ Petition, a direction is issued to the respondents to pay subsistence allowance to the petitioner in accordance with G.O.Ms.No.55, dated 24.03.2000, within a period of two weeks from the date of receipt of a copy of this order and continue to pay the same until the suspension is revoked. No costs. Consequently, the connected M.P.Nos. 1 and 2 of 2007 are also dismissed."

3. In such view of the matter, we are of the view that the submissions sought to be raised cannot be allowed at this stage. It is not as if the appellant was not aware of the aforesaid order. In fact, a subsequent representation has been given based upon the order aforesaid. The appellant himself has filed the said order in this appeal. Therefore, the order dated 11.04.2007 has become final between the parties. We do not find any merit in this appeal.

4. Accordingly, the writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssm

To

The Joint Registrar of
Co-operative Societies,
Common Cadre Authority,
Dharmapuri Region,
Dharmapuri.

+1cc to Mr.M.Ravi, Advocate, S.R.No.6414

+1cc to the Government Pleader, S.R.No.6516

W.A. No. 2351 of 2013

RR(CO)
SRG(12/03/2019)



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