

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.08.2019

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.17145 of 2019

M.Ravichandran

... Petitioner

Versus

1. The Deputy Registrar of Co-operative Societies (Credit), Kuralagam, Chennai-108.
2. The President, The Chennai City Judicial Employees' Co-operative Thrift & Credit Society Limited, City Civil Court Buildings, 2nd Floor, High Court Campus, Chennai-104.

... Respondents

Prayer: This petition has been filed seeking for a Writ of Mandamus, directing the respondents to pay the Subsistence Allowance from the date of suspension i.e. w.e.f. 28.12.2017 as per Fundamental Rules and the Subsistence Allowance Act forthwith and to continue to pay the same till final orders are passed in the Disciplinary Proceedings on merits and as per law, within a time stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

ORDER

The petitioner has approached this Court seeking the following reliefs:

To issue a Writ of Mandamus, directing the respondents to pay the Subsistence Allowance from the date of suspension i.e. w.e.f. 28.12.2017 as per Fundamental Rules and the Subsistence Allowance Act

forthwith and continue to pay the same till final orders are passed in the Disciplinary Proceedings on merits and as per law, within a time stipulated by this Court.

2. The case of the petitioner is that while he was working as Secretary-in-charge of the 2nd respondent Society, he was placed under suspension by Proceedings dated 28.12.2017, pending conclusion of the disciplinary action contemplated against him. Since the subsistence allowance was not paid to him as per the rules in force, the petitioner was constrained to approach this Court in W.P.No.22040/2018 seeking a direction to consider his representation for payment of Subsistence Allowance. The Writ Petition was disposed of by directing the respondents to consider the representation. Thereafter, an order was passed by the 1st respondent on 07.11.2018 stating that on production of Non-employment Certificate to the Society, the claim for Subsistence Allowance would be considered.

3. Thereafter, a representation was made by the petitioner on 05.03.2019 and since the representation was not considered, once again the petitioner approached this Court with the present Writ Petition.

4. Learned Counsel appearing for the petitioner would submit that in the affidavit, the petitioner has clearly averred that Non-employment Certificate has been produced every month and a representation was also addressed to the Administrator/President of the newly Elected Board on 05.03.2019 followed by the representation of the petitioner to the 1st respondent on 11.3.2019. However, despite the production of Non-employment Certificate, till date, no part of subsistence allowance has been paid to the petitioner.

5. On this, the learned Special Government Pleader appearing for the respondents would submit that in case, the petitioner produces the Non-Employment Certificate during the period of his suspension, a direction may be issued to the 2nd respondent to grant the Subsistence Allowance by this Court.

6. In view of the submissions of the Counsels, the Writ Petition is allowed and there shall be a direction to the 2nd respondent to pay the admissible Subsistence Allowance to the petitioner with the arrears from the date of suspension i.e. w.e.f. 28.12.2017 and continue to pay the same till the conclusion of the Disciplinary Proceedings.

7. The 2nd respondent is directed to pass appropriate orders towards granting of subsistence allowance, within a period of two weeks from the date of receipt of a copy of this Order. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Registrar of Co-operative Societies (Credit),
Kuralagam, Chennai-108.

2. The President,
The Chennai City Judicial Employees'
Co-operative Thrift & Credit Society
Limited, City Civil Court Buildings,
2nd Floor, High Court Campus,
Chennai-104.

+1cc to Mr.L.Chandrakumar , Advocate SR.No. 69062

+1 cc to Spl Government Pleader Sr.No.69364

+1cc to Mr.L.P.Shanmughasundaram , Advocate SR.No. 69204

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A.SK(22/08/2019)

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