

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31006 of 2019

V.Vasumathy

..Petitioner

Vs

1. The Joint Registrar of Cooperative Societies
Dharmapuri
2. The Deputy Registrar of Cooperative Societies
Dharmapuri 635 705
3. The Administrative Officer/
DD 14, Dharmapuri District Central Cooperatives
Bank Employees Cooperative Thrift and Credit
Society Ltd, Dharmapuri
4. Thiru. P.A. Ramasamy
Enquiry Officer,
DD 14, Dharmapuri District Central Cooperatives
Bank Employees Thrift and Credit
Society Ltd, Dharmapuri

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, directing the respondents to consider the representation dated 30.09.2019 of the petitioner with regard to payment of subsistence allowance and furnishing of copies of documents. सत्यमेव जयते

For Petitioner : Mr.G.Punniakoti

For Respondents: Mr. L.P.Shanmugasundaram,
Special Government Pleader(Co-op)

O R D E R

- 1.This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the Respondent to consider the representation dated 30.09.2019 of the petitioner with regard to payment of subsistence allowance and furnishing of copies of documents.

2. According to the Petitioner, she has joined services as Clerk in the DD-14 Dharmapuri District Central Cooperative Bank Employees Cooperative Thrift and Credit Society Ltd., Dharmapuri on 30.10.2007 and severed as such till 17.09.2012. Thereafter she was promoted as Secretary with effect from 18.09.2012. While so, on certain lapses, the petitioner was placed under suspension by the third respondent with effect from 18.04.2016, though initially for the period of three months, but it has been extended from time to time till date. Thereafter, a charge memo dated 14.11.2016 was also issued to the petitioner. The grievance of the petitioner is that though the petitioner has been placed under suspension, she has not been granted suspension allowance all along and also copies of the relevant documents relevant to the charges have also not been furnished to the petitioner. It appears that the petitioner made representation on 31.10.2019, seeking to grant suspension allowance and also to furnish relevant copies of documents pertaining to the charge framed against her. However, there was no response forthcoming from the respondents, despite her representation the petitioner is before this Court.
3. Time and again, this Court as well as the Apex Court have categorically held that the suspended employee cannot be denied her right to receive subsistence allowance during the period of suspension. Subsistence allowance means a monthly grant made to a government servant who was placed under suspension and was not in receipt of pay or leave salary in order to sustain herself and her family. It is statutory obligation on the part of the authority who passes suspension orders against the employees, to order monthly grant towards subsistence allowance. But it is very unfortunate to note that while issuing the suspension orders, the authorities are ignoring to order subsistence allowance. In fact, denial of subsistence allowance amounts to deprivation of very livelihood of the suspended employee and it is violative of Article 21 of the Constitution. In this case, it is pertinent to note that despite the representations made by the petitioner, the respondents have not taken any initiative to grant the subsistence allowance to the petitioner.
4. The learned counsel appearing for the petitioner would submit that the petitioner has not been granted subsistence allowance for the entire period of suspension from 18.04.2016 till date and she has been further exposed to severe hardship to sustain her and her family. He would further submit that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 30.10.2019 and to pass appropriate orders.

5.The learned Government Advocate appearing for the respondents conceded to the request as submitted by the learned counsel appearing for the petitioner. The learned counsel would submit that if this Court directs the respondents to consider the dispose of the representation made by the petitioner, the same would be complied with and the representation would be disposed of in accordance with law.

6.In view of the above this Court directs the respondent to consider the representation of the petitioner made on 30.10.2019 and pass appropriate orders in accordance with law in regard to grant of suspension of allowance and also to furnish the relevant copies of the of documents pertaining to the charged memo against the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

jrs

To

1. The Joint Registrar of Cooperative Societies
Dharmapuri

2. The Deputy Registrar of Cooperative Societies
Dharmapuri 635 705

+1 CC to The Spl. Govt. Pleader sr 91494

+1 CC to Mr.G.Punniakoti, Advocate sr 91427

+1 CC to Mr.L.P. Shanmuga Sundaram, Advocate sr 91667.

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RJI (CO)

SP(06/12/2019)