



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19377 of 2019

A.Subbaiah

... Petitioner

-Vs-

1.The Registrar

Co-operative Societies

170, Periyar EVR Road

Kilpauk, Chennai

2.The Joint Registrar

Co-operative Societies

No.39, T.T.R. Naidu Street

First Floor, Tuticorin 626 002

3.The President

Thili Thani 118 Kazhugumalai

Primary Agriculture Co-operative Credit Society

Kazhugumalai, Tuticorin District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the arrears of subsistence allowance to the petitioner for the period from 15.04.2017 to 11.03.2019 by considering the petitioner's representation dated 06.02.2019.

For Petitioner : Mr.K.Prabhu

For R1 & R2 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R3 : Mr.M.Murugan

ORDER

The writ petition has been filed for a direction to the respondents to disburse the arrears of subsistence allowance to the petitioner for the period from 15.04.2017 to 11.03.2019 by considering the petitioner's representation dated 06.02.2019.

<https://hcservices.ecourt.gov.in/hcservices/> According to the petitioner, while he was working as



Secretary in the third respondent Society, he was suspended from service with effect from 01.02.2017. After enquiry, he was dismissed from service, by order dated 15.04.2017. The order of dismissal was set aside by order dated 24.05.2018 by the second respondent and remanded the matter to the third respondent to hear the matter afresh by providing sufficient opportunity to the petitioner. Without conducting any proper enquiry and without paying subsistence allowance, the third respondent again, terminated the service of the petitioner on 11.03.2019. Since the petitioner was not paid the subsistence allowance, he gave representation to the respondents, dated 06.02.2019, for payment of subsistence allowance. According to the petitioner, in spite of repeated reminders and repeated demands made by him in person, the respondents 2 and 3 are not paying the subsistence allowance. Hence, the petitioner has come out with the present writ petition.

3.The learned Special Government Pleader appearing for the respondents 1 and 2, and the learned counsel appearing for the third respondent submitted that the respondents will consider the representation of the petitioner, dated 06.02.2019, for eligible subsistence allowance for a suspended period.

4.Heard, Mr. K.Prabhu, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.M.Murugan, learned counsel appearing for the 3rd respondent.

5.Considering the submissions made by the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent, without deciding the various allegations on merits, the third respondent is directed to consider the representation of the petitioner, dated 06.02.2019 and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

msa



To

1.The Registrar
Co-operative Societies
170, Periyar EVR Road
Kilpauk, Chennai

2.The Joint Registrar
Co-operative Societies
No.39, T.T.R. Naidu Street
First Floor, Tuticorin 626 002

+1 CC to M/s.GP (SR-89375[F] dated 25/09/2019)

W.P. (MD) No.19377 of 2019
23.09.2019

JMN(25.10.2019) 3P : 4C