



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**W.P.(MD)No.2665 of 2013

V.Palanichamy

... Petitioner

-Vs-

The Special Officer,
A:1626 Pudupatti Primary Agriculture
Cooperative Bank,
P.Pudupatti,
Vedasandur Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the petitioner subsistence allowance with all arrears payable to him from the date of suspension order dated 09.12.2004 till the final order in enquiry dated 15.09.2012 after deducting payment made by the respondent within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.G.Manivannan

ORDER

The relief sought for in the present writ petition is to direct the respondent to pay the subsistence allowance to the writ petitioner.

2. The writ petitioner was holding the post of Secretary of Pudupatti Primary Agricultural Cooperative Bank. The writ petitioner was placed under suspension on account of certain allegations. The grievance of the writ petitioner is that subsistence allowance as applicable had not been paid to him. Undoubtedly subsistence allowance is a livelihood and every employee is liable to be paid the subsistence allowance, if an employee placed under suspension for initiation of disciplinary proceedings. Non payment of subsistence allowance is the violation of Article 21 of the Constitution of India.

3. An employee, who was placed under suspension cannot get employment anywhere. Subsistence allowance is the livelihood of the employee. Thus payment of subsistence allowance cannot be denied to the employees. However, in the present case, it is brought to the notice of this Court that the Society is in verge of



closure. This apart, the learned counsel appearing on behalf of the respondent states that demand of subsistence allowance has been paid. If at all any due, the same is also to be settled in accordance with the rules.

4. In respect of the maintainability of the writ petition, this Court is of the opinion that the petitioner being an employee of cooperative society has to approach the competent authority under the provisions of Tamil Nadu Cooperative Societies Act. More specifically, the petitioner has to file a revision petition under Section 153 of the Tamil Nadu Cooperative Societies Act in the prescribed format by paying the fees for redressal of his grievance. In the event of filing any such application, the competent authority is empowered to consider the same on merits and in accordance with law. In view of the above, the petitioner is at liberty to redress his grievance by approaching the competent authority under the Act.

5. With these observations, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Special Officer,
A:1626 Pudupatti Primary Agriculture
Cooperative Bank,
P.Pudupatti,
Vedasandur Taluk,
Dindigul District.

+1CC TO MR. J.LAWRANCE, Advocate Sr. No. 68089

W.P. (MD) No.2665 of 2013
11.06.2019

SE(CO)
TR (27.06.2019) 2P 3C