

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.07.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 25208 OF 2013

V.Murugan

.. Petitioner

- Vs -

1. The Authority under the Payment of Subsistence Allowance Act & Asst. Commissioner of Labour Salem - 7.
 2. The Joint Registrar of Co-op. Societies/ Chairman, Common Cadre Authority Erode Region, Erode.
 3. The President K-711, Kasipalayam Primary Agricultural Co-op. Credit Society Ltd. Kasipalayam & Post, Erode District.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus calling for the records of the 1st respondent in P.S.A. No.10/2011 dated 02.04.2013 and quash the same and further direct the respondents 2 and 3 to pay the subsistence allowance to the petitioner from 1.3.08 till 21.8.09 in terms of the Common Cadre Regulations issued in G.O. Ms. No.55, Co-operation Food and Consumer Protection Department, dated 24.3.2000.

For Petitioners : Mr. S.Kamadevan

For Respondents : Mr.L.P.Shanmugasundaram, Spl. G.P.

ORDER

It is the case of the petitioner that he joined as Secretary in the 3rd respondent Society on 9.12.85. Whiles, he was arrested on 5.9.05 and pursuant thereof, the petitioner was placed under suspension by the cadre authority/2nd respondent vide his proceedings dated 12.9.05 for a period of three months from 5.9.05 and the sae was extended from time to time till order of dismissal dated 21.8.09 came to be passed. The Government has framed Common Cadre Regulations in respect of

Secretaries working in the Primary Agricultural Co-operative Banks and the regulations prescribes that during suspension, the person is entitled to subsistence allowance. However, the petitioner, during the period of suspension, was not paid the subsistence allowance. Since the subsistence allowance was not paid, the petitioner filed application before the 1st respondent under Section 4 of the Payment of Subsistence Allowance Act, who, by impugned order dated 2.4.13 dismissed the said application as not maintainable. Aggrieved by the said order, the present petition has been filed.

2. When the matter is taken up today, learned counsel appearing for the petitioner fairly stated that the Payment of Subsistence Allowance Act is not applicable to the petitioner, as he was in a managerial cadre, but in the Common Cadre Service and the petitioner being a common cadre employee, this Court may permit the petitioner to file appropriate application in accordance with law within a particular time frame.

3. On the above submission, this Court heard the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. This Court, taking into consideration the submissions advanced by the learned counsel for the petitioner and there being no objection on behalf of the respondents, permits the petitioner to file appropriate application before the concerned authority in accordance with law within a period of one week from the date of receipt of a copy of this order. On such application being filed, the concerned respondents/authorities shall consider the same on its own merit and pass appropriate orders as expeditiously as possible in accordance with law.

5. This writ petition is disposed of with the aforesaid observations and directions. However, there shall be no order as to costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

GLN

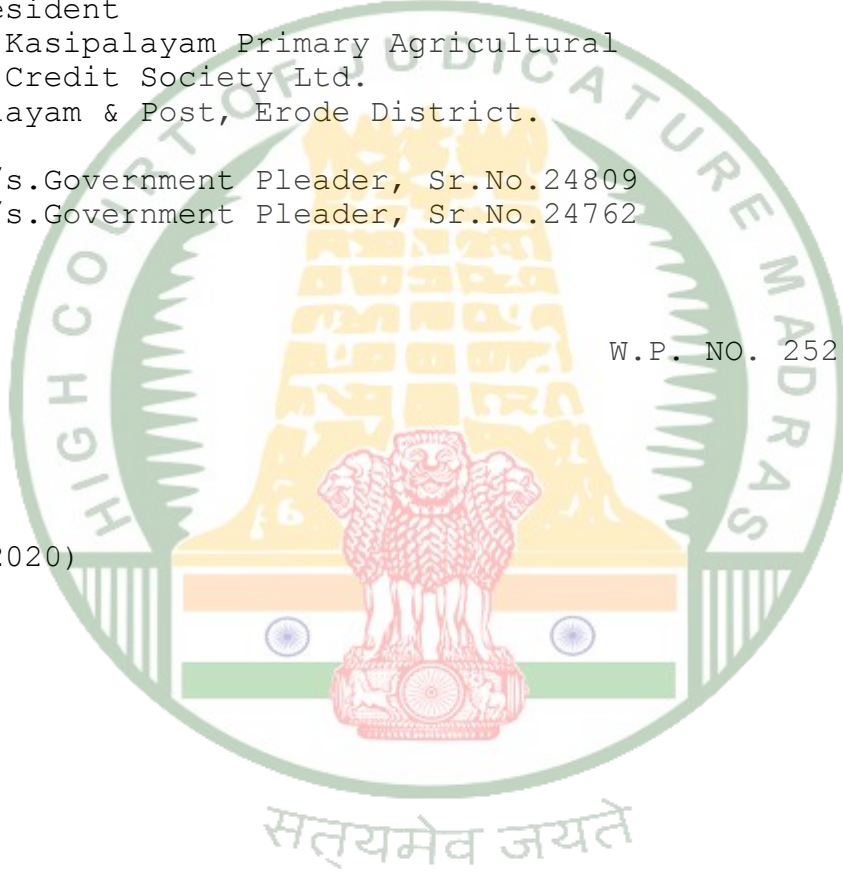
To

1. The Authority under the Payment of
Subsistence Allowance Act &
Asst. Commissioner of Labour
Salem - 7
2. The Joint Registrar of Co-op. Societies/
Chairman, Common Cadre Authority
Erode Region, Erode.
3. The President
K-711, Kasipalayam Primary Agricultural
Co-op. Credit Society Ltd.
Kasipalayam & Post, Erode District.

+1cc to M/s.Government Pleader, Sr.No.24809
+1cc to M/s.Government Pleader, Sr.No.24762

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BS (CO)
GS (05/08/2020)



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