



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.10.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.13982 of 2020

S.Balamurugan

... Petitioner

Vs

1. The Secretary (Special Officer),
SP.SPL.86, Naalur Primary Agriculture Co-operative Credit Sangam,
Uluthimadai Post,
Virudhunagar District 630 610.

2. The President,
SP.SPL.86, Naalur Primary Agriculture Co-operative Credit Sangam,
Uluthimadai Post,
Virudhunagar District 630 610.

... Respondents

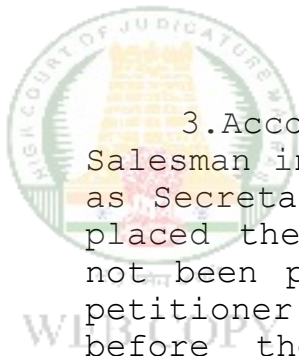
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to pay the petitioner subsistence allowance with all arrears with interest at the rate 12% from the date of his suspension i.e., 06.10.2016 till today on the basis of the representations dated 01.11.2017 and 30.09.2020, within the time frame as fixed by this Court.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.A.Thiagarajan
Government Advocate

ORDER

This writ petition is filed to direct the respondents to pay the subsistence allowance to the petitioner with all arrears along with interest at the rate 12% from the date of his suspension i.e., 06.10.2016 till today, by considering the petitioner's representations dated 01.11.2017 and 30.09.2020.

2.By consent, this writ petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, he was initially appointed as Salesman in the respondent society and subsequently, he was promoted as Secretary. Though the 2nd respondent, by order dated 06.10.2016, placed the petitioner under suspension, so far the petitioner has not been paid with the subsistence allowance. In this regard, the petitioner has made representations dated 01.11.2017 and 30.09.2020 before the respondents seeking to pay subsistence allowance. However, without disbursing subsistence allowance, the respondents have proceeded with the departmental disciplinary proceedings as against the petitioner. Hence, the present writ petition.

4. The learned counsel appearing for the petitioner would submit that as per Section 3 of the Tamilnadu Payment of Subsistence Allowance Act, 1981, the petitioner is entitled to get the subsistence allowance, who has been placed under suspension in the manner provided therein. He would further submit that though the petitioner has made representations dated 01.11.2017 and 30.09.2020 before the respondents seeking to pay subsistence allowance, so far no action has been taken by the respondents and that the petitioner is entitled to get the subsistence allowance with all arrears along with interest at the rate 12% per annum from the date of his suspension i.e., 06.10.2016, till the payment of entire subsistence allowance.

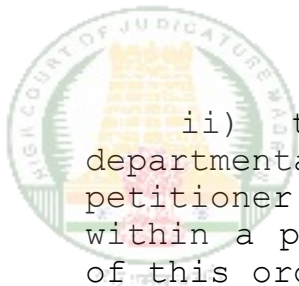
5. On the other hand, Mr. A. Thiagarajan, learned Government Advocate appearing for the respondents would submit that the petitioner's representations dated 01.11.2017 and 30.09.2020 will be disposed of on merits and in accordance with law, within a time frame to be fixed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Admittedly, though the petitioner was placed under suspension in the year 2016, so far departmental disciplinary proceedings has not been completed as against him and there is no progress to disburse the subsistence allowance to the petitioner payable from the respondent society in spite of the petitioner's two representations dated 01.11.2017 and 30.09.2020. Further, I find that there is a delay in decision making process on the part of the respondents in disposing of said representations.

8. In the light of the above, this Court is inclined to pass the following directions:-

i) the respondents are directed to consider the petitioner's representations dated 01.11.2017 and 30.09.2020, wherein, the petitioner made a claim for subsistence allowance, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order;



ii) the respondents are also directed to conclude the departmental disciplinary proceedings initiated as against the petitioner and take a decision on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order;

9. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (A.S)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.J.LAWRANCE, Advocate SR-19665.

W.P. (MD) No.13982 of 2020
08.10.2020

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