



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19428 of 2020

K.Jeyachandran

... Petitioner

Vs

1.The Deputy Registrar of
Co-operative Societies,
Dindigul Circle, 11, State Bank Colony,
Nehrugi Nagar, Dindigul District.

2.D.D.592, V.Kurumbapatti Primary
Agricultural Cooperative Credit Society Ltd.,
V.Kurumbapatti, Vembarpatti Post,
Dindigul District, Rep. through
its President.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to permit the petitioner to withdraw the deposited amount laying the petitioner's S.B.Account No.472 in the second respondent Society based on the representation made by the petitioner dated 24.09.2020 within the time limit stipulated by this Court.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner was the employee of the second respondent Society. It appears that the petitioner was suspended and later, removed from the service. Since the petitioner was under suspension, he was entitled to get the subsistence allowance. The order was passed in favour of the petitioner in P.S.I.A.Nos.3 and 5 of 2012. The same was challenged before this Court by filing C.R.P.No.8 of 2014. This Court closed C.R.P.No.8 of 2014 by directing the Management to file an appeal and till date, no appeal has been filed. In the mean while, the petitioner and the Management have entered into a compromise. The first respondent called upon the petitioner to bear in mind the financial condition of the society. The petitioner agreed to withdraw a sum of Rs.10,000/- per month. The petitioner states that he was permitted to make such withdrawal only for two months and thereafter, he was prevented.

3.When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents states that the

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petitioner can continue to withdraw a sum of Rs.10,000/- from the petition mentioned account.

4. Recording the said submission and granting permission to the petitioner to withdraw at the rate of Rs.10,000/- from the petition mentioned account in question till it is exhausted, this Writ Petition is disposed of. The respondents will issue the proceedings quantifying the total amount of subsistence allowance payable to the petitioner. Since there has been delay in disbursing, the petitioner will be entitled to get interest @ 6% per month. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

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.

TO

The Deputy Registrar of
Co-operative Societies,
Dindigul Circle, 11, State Bank Colony,
Nehrugi Nagar, Dindigul District.

+1 CC to M/s.SPL GP (SR-3496[F] dated 05/02/2021)

+1 CC to M/s.R.SARAVANAN, Advocate (SR-3423[F] dated 05/02/2021)

W.P. (MD) No.19428 of 2020
04.02.2021

NA (CO)
KB(16.02.2021) 2P 4C