



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P. (MD) No.4233 of 2017

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R.Manivel

.. Petitioner

Vs

1.The Joint Registrar of Co-operative Societies,
Additional Building District Collectorate Complex,
Thanthonimalai,
Karur District.

2.The Deputy Registrar of Co-operative Societies,
No.149, Anna Nagar Main Road,
Thanthonimalai,
Karur District.

3.The President,
R-1575 Katampakuruchi Primary Agricultural
Co-operative Credit Society,
Katampakuruchi Post,
Manmangalam Taluk,
Karur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to pay the enhancement of subsistence allowance a sum of Rs.2,89,254/- and for subsequent months in terms of Section(3) of the Tamil Nadu Payment of Subsistence Allowance Act, 1981 and by considering the petitioner's representation dated 26.11.2016 within a period that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For Respondent Nos.1 & 2	: Mr.B.Baghavathy Government Advocate
For Respondent No.3	: Mr.M.Saravana Kumar

O R D E R

The prayer sought for in the present writ petition is for a direction to the 3rd respondent to pay the enhancement of subsistence allowance for a sum of Rs.2,89,254/- and for subsequent months in terms of Section(3) of the Tamil Nadu Payment of Subsistence Allowance Act, 1981 and by considering the petitioner's representation dated 26.11.2016 within a stipulated period.



2. The case of the petitioner is that the petitioner was appointed as a Salesman in the year 1998 at R-1575 Kadambakuruchi Primary Agricultural Co-operative Credit Society, Kadambakuruchi Post, Manmangalam Taluk, Karur District. Subsequently, he was promoted as Attender during 1999 and further promoted a Clerk. While he was in service, he was placed under suspension by the Special Officer of Kadambakuruchi Primary Agricultural Co-operative Credit Society, for some allegation by his proceedings dated 20.11.2012 alleging that the petitioner was arrested by the Commercial Crime Investigation Wing. However, the grievance of the petitioner is that he has been paid with 50% of the subsistence allowance without any enhancement. Hence, the petitioner made a representation on 26.11.2016 to the respondents to pay the arrears of enhancement of subsistence allowance in terms of Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981. But so far no order has been passed on the said representation. Hence, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that it would be suffice, if this Court issues a direction to the respondents to pass orders on considering the petitioner's representation dated 26.11.2016 within a reasonable time as fixed by this Court.

4. The learned Government Advocate appearing for the respondents 1 & 2 has no serious objection to consider the representation dated 26.11.2016.

5. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents 1 & 2.

6. Considering the facts and circumstances of the case and considering the submissions made by the learned counsel on either side, this Court, without going to the merits of the case, is inclined to issue a direction to the respondents to consider the representation of the petitioner within a reasonable time. Accordingly, this Court directs the respondents to consider the representation of the petitioner dated 26.11.2016, and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order, if not disposed of already. The petitioner is directed to produce a copy of the representation along with a copy of this order to enable the respondents to take further action in this regard .



7. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

PJL

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

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+1CC to M/s.AJMAL ASSOCIATES,Advocate(SR-10252[F] dated 11/03/2021

+1CC to M/s.SPL GP (SR-10590[F] dated 11/03/2021)

+1CC to M/s.M.SARAVANA KUMAR, Advocate(SR-10760[F] dated 12/03/2021

**W.P. (MD) .No.4233 of 2017
10.03.2021**

RK(13.05.2021) 3P 7C