



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont. P. (MD) No.510 of 2022

T.Vijaya

... Petitioner

Vs.

1.Muthukumaraswamy

The Joint Registrar of Cooperative Societies
Nagercoil
Kanyakumari District.

2.C.Mohandass

The Kunnathoor Primary Agricultural
cooperative Credit society Ltd.,
No.Y-55 Cooperative Bank Road
Pudukkadai
Pudukkadai PO
Kanyakumari District 629 171
represented by its President

... Contemnor/Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents/contemnors herein for their deliberate and wilful disobedience of the order of this Court dated 23.02.2018 in W.P.(MD) No.23101 of 2015 under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act, 1971.

Prayer in WP(MD) . 23101/ 2015 :

Writ Petition is 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 2nd respondent pertaining to its order in No. Nil, bearing date as 17.10.2015 at its top and as 15.10.2015 at its bottom, on its file, quash the same, directing the 2nd respondent to pay to the petitioner subsistence allowance and wages in full as provided in Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981, including its first and second provisos, but excluding its last proviso, for her service in the 2nd respondent Society.

For Petitioner

: Mr.P.Muthuvel for
M/s.Isaac Chambers

For Respondent

: Mr.M.Ramesh for R1
Government Advocate
Mr.Jerin Mathew for
Mr.M.E.Ilango for R2



O R D E R

This contempt petition is filed to punish the respondents for their wilful disobedience of the order passed by this Court in W.P(MD)No.23101 of 2015 dated 23.02.2018.

2.The writ petitions were disposed of based on the memo filed by the respondents Management on 23.02.2018. The Management has allowed to appoint new Enquiry Officer for the purpose of conducting fresh enquiry and concluded the departmental disciplinary proceedings. Recording the memo, this Court has closed the writ petitions. While closing the writ petition, the respondents were directed to pay subsistence allowance to the writ petitioner on or before 5th of every English Calender Month and the subsistence allowance may be paid till the completion of the departmental disciplinary proceedings.

3.The learned counsel appearing on behalf of the respondents made a submission that on receipt of the order of this Court, subsistence allowance is being paid, till the disposal of the disciplinary proceedings. The petitioner was dismissed from service on 12.03.2018. If at all the subsistence allowance has not been paid for the previous period, before passing the order of this Court, then, the petitioner is at liberty to claim such allowance in the manner known to law. Contrarily by way of contempt petition, the petitioner cannot claim the subsistence allowance, which was not paid prior to the order passed by this Court.

4.Admittedly, the petitioner had already been dismissed from service and with reference to all other claim, the petitioner is at liberty to approach the competent authority under the Tamil Nadu Co-operative Societies Act in the manner known to law. Hence, this Contempt Petition is closed.

Sd/-

Assistant Registrar (ADMIN-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

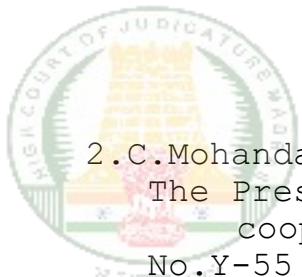
1.Muthukumaraswamy

The Joint Registrar of Cooperative Societies

Nagercoil

Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.C.Mohandass

The President ,Kunnathoor Primary Agricultural
cooperative Credit society Ltd.,
No.Y-55 Cooperative Bank Road
Pudukkadai
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Kanyakumari District 629 171

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-21597[F] dated
27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21853[F] dated 27/04/2022)

+1 CC to M/s.M.E. ILANGO, Advocate (SR-22141[F] dated 28/04/2022)

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RK(12/05/2022) 3P 6C