



W.P.No.8801 of 2021

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.8801 of 2021

and

W.M.P.No.9331 of 2021

B.S.Venkatesan

.. Petitioner

Vs.

1.The Joint Registrar of Cooperative Societies,
Krishnagiri Region, Krishnagiri,
Krishnagiri District.

2.The President,
D.K.80, Berigai Primary Agricultural
Cooperative Credit Society,
Sulagiri Road, Berigai – 635 105.
Sulagiri Taluk,
Krishnagiri District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India prayed for issuance of Writ of Mandamus, directing the respondents to disburse the subsistence allowance to the petitioner together with arrears from the period of suspension date 25.10.2018 to till date by taking note of for the first three months 50% and 75% for another six months after expiry of six months 100% till disciplinary proceedings is over.



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For Petitioner : Mr.C.Prakasam
For Respondent-1 : Mr.T.Arunkumar
Government Advocate
For Respondent-2 : Mr.S.Arumugam

ORDER

This petition has been filed for issuance of writ of mandamus seeking a direction to the respondents to disburse the subsistence allowance to the petitioner together with arrears from the date of suspension date (25.10.2018) to till date in accordance with his entitlement after the expiry of first three months (50%), another six months (75%), yet another six months (100%) till disciplinary proceedings is over.

2. The petitioner, who was working as a Secretary in the D.K.80, Berigai Primary Agricultural Cooperative Credit Society, Sulagiri Road, Berigai, Krishnagiri District, was kept under suspension from 25.10.2018 on public interest. Despite the order of suspension dated 25.10.2018 states that the subsistence allowance would be given to the petitioner subject to the Rules, no subsistence allowance has given so far.



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3. Learned Government Advocate appearing for the first respondent submitted that the allegations against the petitioner are serious in nature and he did not submit his explanation so far.

4. It is a settled legal position that whenever a person is suspended on any allegations or whether any charge memo is given, the disciplinary proceedings ought to have been completed within a period of six months. In the case on hand, despite the petitioner was kept under suspension from 25.10.2018, disciplinary proceedings have not been completed till now. However, learned Government Advocate submitted that disciplinary proceedings have been initiated. Hence, the petitioner cannot be deprived from getting subsistence allowance.

5. In fact, subsistence allowance is a facet of right to life. The payment of subsistence allowance is to accommodate a minimal livelihood of the petitioner, who has been prevented from doing any other avocation during the subsistence of whole of the disciplinary action.



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6. Hence, the Writ Petition is disposed of with a direction to the respondents to pay the subsistence allowance to the petitioner in accordance with the Rules and entitlement corresponding to the length of the period of suspension within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

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