



WEB COPY



W.A.No.2506 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 11.10.2023**

CORAM :

**THE HON'BLE MR. JUSTICE R. MAHADEVAN  
AND  
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.A.No.2506 of 2023  
and  
C.M.P.No.20917 of 2023**

1.The President,  
S.1063, Puliampatti Primary Agricultural  
Co-operative Credit Society Limited,  
Samandapatti Village,  
Vadamangalam Post,  
Pochampalli Taluk,  
Krishnagiri - 635 123.

(Now the society under the control of the  
Administrator Mr.M.Raja who was  
appointed as Administrator by the  
Joint Registrar of Co-operative Societies,  
Krishnagiri by his Proceedings dated 03.04.2023)

2.The Principal Secretary to Government  
of Tamil Nadu,  
For St. George, Secretariat,  
Chennai - 600 009.

3.The Secretary to Government  
of Tamil Nadu,  
Department of Co-operative Food and  
Consumer Protection,  
Fort St. George, Secretariat,  
Chennai - 600 009.



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4.The Registrar of Co-operative Societies,  
170, NV Natarajan Maaligai,  
EVI Periyar High Road,  
Kilpauk, Chennai - 600 010.

5.The Joint Registrar of Co-operative Societies,  
Office of the Joint Registrar of  
Co-operative Societies,  
Krishnagiri, Krishnagiri District.

6.The Deputy Registrar of Co-operative Societies,  
Office of the Deputy Registrar of  
Co-operative Societies,  
Krishnagiri, Krishnagiri District.

... Appellants

Vs.

S.Kandasamy

... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.34060 of 2022, dated 21.12.2022.

For Appellants : Mr.V.Vijayashankar

For Respondent : Mr.Sathiaseelan

### **JUDGMENT**

(Judgment of the Court was delivered by R. MAHADEVAN, J.)

This writ appeal is directed against the order dated 21.12.2022 passed by the learned Judge in WP.No.34060 of 2022, in and by which, the appellant authorities were directed to pay the eligible subsistence allowance to the



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respondent / writ petitioner, within a period of twelve weeks from the date of receipt of a copy of that order.

2. According to the appellants, the respondent / writ petitioner by his act of malfeasance and misappropriation, has already caused enormous loss to the Society to the tune of Rs.2,29,51,508/- and hence, the Society cannot be burdened with further liability to pay subsistence allowance to the wrongdoer / respondent / writ petitioner.

3. However, the learned counsel for the appellants during the course of argument, submitted that the appellants are now inclined to pay subsistence allowance to the respondent / writ petitioner and hence, six weeks time may be given for the same.

4. On the other hand, the learned counsel appearing for the respondent / writ petitioner submitted that the appellants have not complied with the order of the learned Judge dated 21.12.2022, till date and the respondent / writ petitioner has not been paid any amount from the date of suspension i.e., on 21.02.2018 and hence, he preferred contempt petition bearing No.1073/2023, which was directed to be posted for hearing on 17.10.2023. The learned counsel further submitted that with an intention to prolong the contempt proceedings, the



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appellants have filed this writ appeal and hence, he raised objection for granting long time for paying subsistence allowance to the respondent / writ petitioner.

5.Upon consideration of the submissions made by the learned counsel appearing on either side, this court is of the opinion that payment of subsistence allowance is not a bounty, but is a right; and an employee who is suspended from service, is entitled to be paid the subsistence allowance during the pendency of the enquiry proceedings, as per law; and the financial crunch of the employer cannot be a valid ground to deny subsistence allowance to such employee. Therefore, the writ appeal filed by the appellants, is liable to be dismissed and is accordingly, dismissed. The appellant authorities are directed to pay the eligible subsistence allowance to the respondent / writ petitioner within a period of four weeks from the date of receipt of a copy of this judgment, failing which, contempt proceedings will be proceeded with further. No costs. Consequently, connected miscellaneous petition is closed.

**[R.M.D,J.] [M.S.Q, J.]**  
**11.10.2023**

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Note: The Registry is directed to issue  
order copy on or before 16.10.2023

Index: Yes / No.

Speaking order/ Non-speaking order

Neutral Citation: Yes / No.



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