



W.P.(MD).No.17865 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17865 of 2023

Sasikala

... Petitioner

Vs.

1.The Deputy Registrar of
Co-operative Societies,
Musiri, Trichy District.

2.The President,
R.1594-Pilladurai Primary Agricultural
Co-operative Credit Society,
Thathaiyangarpettai,
Musiri Taluk,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the subsistence allowance to the petitioner for the period from 10.10.2017 till the completion of Domestic Enquiry, by completing the Domestic Enquiry within stipulated time frame as fixed by this Court, on the basis of the petitioner's representation dated 17.03.2023.

For Petitioner : Mr.S.Bala Karthich

For Respondents : Mr.M.Prakash
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the respondents to pay the subsistence allowance to the petitioner for the period from 10.10.2017 till the completion of Domestic Enquiry, by completing the Domestic Enquiry within stipulated time frame as fixed by this Court, on the basis of the petitioner's representation dated 17.03.2023.

2. The petitioner was appointed as Salesman in the 2nd respondent Society on 13.07.1989. She was also given an additional charge of handling the key of the jewel locker in the year 2015. The 2nd respondent placed the petitioner under suspension on 10.10.2017 without giving an opportunity to the petitioner for the reason that the petitioner caused financial loss to the society. However, the petitioner is not given with subsistence allowance so far. Hence, she made a representation on 07.07.2021 and 17.03.2023 to provide her with subsistence allowance. Since the representations were not considered, this writ petition came to be filed.

3. Heard the learned counsels on either side.



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4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, this Court directs the respondents to consider the representation of the petitioner, dated 17.03.2023 and pay the subsistence allowance to the petitioner for the period from 10.10.2017 to till the completion of domestic enquiry within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. In view of the above said observations, this Writ Petition stands disposed of. No costs.

09.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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