



WEB COPY



W.P.No.1288 of 2024

[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1288 of 2024
and
W.M.P.No.1336 of 2024

N.Elangovan

.....

Petitioner

Vs

1. The Joint Registrar of Co-operative Societies
Tirupathur Region, Tirupathur, Tirupathur District.

2. The Administrator,
Tirupathur Co-operative Agricultural and
Rural Development Bank,
Katcheri Street,
Tirupathur, Tirupathur District.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the second respondent in his proceedings No.Nil dated 11.12.2023 and quash the same and consequently directing the respondents to disburse the subsistence allowance for the period from 31.07.2012 to 16.06.2015 together with interest to the petitioner.



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For Petitioner : Mr. C.Prakasam
For R1 : Mr.S.Rajesh
Government Advocate
For R2 : Mr.M.S.Arasa Kumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 11.12.2023 passed by the second respondent, thereby rejected the request made by the petitioner seeking subsistence allowance for the period from 31.07.2012 to 16.06.2015.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was working as Secretary in Tirupathur Co-operative Agricultural and Rural Development Bank, Tirupathur. On the date of attainment of his superannuation on 31.07.2012, he was not allowed to retire from service. He relieved from service on 31.07.2012 without prejudice to disciplinary proceedings. Subsequently, he was imposed with six months increment cut on 27.02.2013. It was challenged before this Court in W.P.No.31628 of 2013 and this Court, by an order dated 22.09.2017, setting aside the order of punishment and the second



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respondent was directed to disburse the petitioner's retirement benefit. In the meanwhile, the second respondent allowed the petitioner to retire from service with retrospective effect of his original superannuation date i.e., on 31.07.2012. Now, the petitioner is seeking subsistence allowance for the period from 31.07.2012 to 16.06.2015, during which he was not allowed to retire from service, since this period was deemed to be considered as suspension.

4. The petitioner submitted a representation seeking subsistence allowance for the period from 31.07.2012 to 16.06.2015. Subsequent to the order passed by this Court in W.P.No.31628 of 2013, by an order dated 22.09.2017, the petitioner was allowed to retire from service even from 31.07.2012 and he was settled with all terminal benefits. Therefore, the said period cannot be treated as suspension period and he is not entitled for any subsistence allowance. Hence, the request made by the petitioner was rightly rejected by the second respondent and this Court finds no infirmity or illegality in the order dated 11.12.2023 passed by the second respondent.

5. Accordingly, this Writ Petition stands dismissed. The petitioner is at liberty to claim interest for belated payment, if any.



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Consequently, connected miscellaneous petition is closed. No costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J.

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