



Writ Petition No.29232 of 2024

India, praying for issuance of a Writ of Mandamus directing the respondent authorities to pay all the benefits including salary for the period of suspension to the petitioner by calculating his period of suspension as service period by disposing of his representation dated 07.02.2024 within the time frame fixed by this Court.

For Petitioner : Mr.M.Sudhan
For Respondents : Mr.M.Murali
Government Advocate for R1 and R2
Mrs.R.Anitha
Special Government Pleader for R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to pay all the benefits including the salary for the period of suspension by calculating the period of suspension as service period by considering the representation made by the petitioner on 07.02.2024.

2. Hear Mr.M.Sudhan, learned counsel for the petitioner and Mr.M.Murali, learned Government Advocate for Respondents 1 and 2 and



Mrs.R.Anitha, learned Special Government Pleader for 3rd respondent.

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3. The case of the petitioner is that he was appointed as a clerk in the 3rd respondent society in the year 1992. Later, he was promoted as a Secretary on 01.08.1992 and he held that position till the date of superannuation. Thus, the petitioner had put in 31 years of service in the 3rd respondent society.

4. The further case of the petitioner is that he was arrayed as an accused in a criminal case and as a result, he was suspended from service by the 2nd respondent through proceedings dated 02.07.2021. The FIR registered against the petitioner was investigated and a police report was filed before the Mahila Court, Tirupur, which was taken on file in Spl SC No.61 of 2021. After a full fledged trial, the Special Court found that the charges levelled against the petitioner has not been proved beyond reasonable doubt and accordingly, the petitioner was acquitted from all charges.

5. In the light of the above development, the 2nd respondent



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through proceedings dated 28.04.2023 reinstated the petitioner into service.

The petitioner retired from service on 30.04.2023.

6. The grievance of the petitioner is that for the period during which he was placed under suspension, he was not received any benefits including salary. Hence, the petitioner made a representation in this regard on 07.02.2024. Since it was not considered, the present writ petition has been filed before this Court.

7. When the matter came up for hearing on 04.10.2024, the learned Special Government Pleader appearing on behalf of 3rd respondent submitted that the entire amount that is due and payable to the petitioner has been paid as early as in May 2024 itself and that there is no amount that remains payable to the petitioner as on date. The learned Special Government Pleader also placed the relevant documents to substantiate this submission. Recording this submission, this Court directed the learned counsel for the petitioner to take instructions.

8. When the matter was taken up for hearing today, the learned



counsel for the petitioner submitted that the entire suspension period has now been treated as “No work no pay” and therefore, the petitioner has not been paid any amount for this period as salary. The learned counsel further submitted that the petitioner has not been paid the subsistence allowance during the suspension period.

9. Considering the above submission, this Court gave the option to the learned counsel for the petitioner to challenge the proceedings of the 3rd respondent dated 04.09.2023, if the petitioner is aggrieved by the fact that the entire suspension period has been treated as no work no pay. The learned counsel submitted that the petitioner has retired from service and therefore, the petitioner is only interested in getting the subsistence allowance that is due and payable to the petitioner during the suspension period.

10. The proceedings dated 04.09.2023 shows that the petitioner was already paid a sum of Rs.65,77,558/- towards final settlement. In the light of the specific stand taken by the learned counsel for the petitioner that the petitioner will be satisfied if the subsistence allowance is paid for the



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suspension period, there shall be a direction to the petitioner to make a fresh representation to the 3rd respondent in this regard. A copy of the representation shall also be marked to the 2nd respondent. On receipt of the same, the 3rd respondent shall pay the subsistence allowance to which the petitioner is entitled as per the by laws. The proceedings shall be issued in this regard within a period of six weeks from the date of receipt of the representation from the petitioner.

11. This writ petition is disposed of in the above terms. No costs.

18.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

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1. The Registrar,
Co-operative Societies,
N.V.Natarajan Maligai,
No.170, E.V.R.Periyar High Road,
Kilpakkam, Chennai 10
2. The Joint Registrar,
Co-operative Society,
Tirupur Zone,
Tirupur District.
3. The Administrator,
K.1104 Elayamuthur Primary
Agricultural Co-operative Credit Society,
Elayamuthur Post,
Udumalpet Taluk,
Tiruppur District – 642 154



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N.ANAND VENKATESH, J

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