



W.P.No.33167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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Dhandayuthapani

...Petitioner

Vs

1. The Deputy Registrar of Co-operative Societies (Housing),
Office of the Deputy Registrar of Co-operative Societies,
No.632, Kangeyanallor Salai,
Gandhi Nagar, Katapdi (East),
Vellore 632 006.
2. The Administrator,
HH. 214, Thiruvannamalai Co-operative Housing Society, Thiruvannamalai
Thiruvannamalai District.
3. The Enquiry Officer,
Office of the Deputy Registrar of Co-operative Societies,
No.632, Kangeyanallor Salai, Gandhi Nagar,
Katpadi (East), Vellore 632 006.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the subsistence allowance and duty pay pursuant to the petitioner's representation dated 12.09.2024 and 07.10.2024 within the stipulated



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time fixed by this Court.

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For Petitioner : Mr.S.Sairaman

For Respondents : Mr. M. Muthusamy, Govt. Advocate -R1

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner has filed this writ petition seeking a direction to the respondents to pay the subsistence allowance and duty pay pursuant to the petitioner's representation dated 12.09.2024 and 07.10.2024 within the stipulated time fixed by this Court.

3. The case of the petitioner is that the petitioner joined as a clerk in the 2nd respondent viz., Thiruvannamalai Co-operative Housing Society on 01.10.1997 and promoted as Secretary in the year 2010. On account of drought condition and impact of corona, the recovery of loans from the members have fallen down severely, hence, the Board of



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Management decided to use a portion of periodical loan collections to settle the salary of the staff and other expenditures without remitting in full to the State Housing Federation, Chennai. Having regard to the same, the 1st respondent ordered for enquiry, pursuant to which, the 3rd respondent conducted the enquiry and on completion of the enquiry, disciplinary proceedings were initiated against the Board of Management and staff members of the society. In the said disciplinary proceedings, the petitioner, by the proceedings of the 2nd respondent, was suspended from duty on 28.06.2024.

4. It is the grievance of the petitioner that though he has not committed any serious offence, the management has not chosen to pay him the subsistence allowance and duty pay for the past 19 months. Having regard to the same, he gave representations to the 1st and 2nd respondents on 12.09.2024, but they have not taken any steps to pay the same till date.

5. It is the further grievance of the petitioner that he has not been paid salary from March 2023 and he is left with no money even to run



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his family. Therefore, he once again gave representation on 07.10.2024, but the same was kept unattended to, hence left with no other alternative, the petitioner has filed the present writ petition.

6. The learned Government Advocate appearing for the 1st respondent would submit that the petitioner has not submitted any application in a proper form seeking for subsistence allowance and duty pay and only on submission of application through proper channel, he could seek for disbursement of subsistence allowance and on submission of such application, the authorities would take action to disburse the same.

7. Heard the learned counsel for the petitioner and the learned .Govt. Pleader appearing for the 1st respondent and perused the materials available on record.

8. It is seen that pursuant to order of 1st respondent ordering for enquiry u/s.81 of TNCS Act, an enquiry was conducted by the 3rd respondent and on his recommendation, surcharge proceedings and



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disciplinary proceedings were sought to be initiated against the Management and staff members of the Society. The petitioner was suspended on 28.06.2024 by proceedings of the 2nd respondent in RC.No.Na.Ka.01/2024. This Court is of the view that instead of keeping the petitioner under suspension for a very long period, the respondents can proceed with the disciplinary proceedings sought to be initiated against him and complete the same within a period of six months.

9. In view of the above, the respondents shall proceed with the disciplinary proceedings, if any, initiated against the petitioner and complete the same on or before 31st June 2025. The petitioner is directed to cooperate with the officer concerned in the disciplinary proceedings, if any, initiated against the petitioner. The officer concerned is also directed to complete the disciplinary proceedings, if any, against the petitioner by supplying necessary documents sought by the petitioner without causing further delay and pass orders on the same, preferably on or before 31st June 2025, after affording opportunity to the petitioner on merits and in accordance with law.



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10. With the above direction, this Writ Petition stands disposed of.

No order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order
msr

To

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V.BHAVANI SUBBAROYAN,J.

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