



Rev.Aplc.(Md) No.73 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI

REV.APLC.(MD)No.73 of 2023

P.Subramani

... Petitioner / Appellant

Vs.

1.The Registrar of Co-operative Societies,
170, E.V.R. High Road,
Kelpauk, Chennai.

2.The Joint Registrar of Co-Operative Societies,
Collectorate, Thanthunimalai,
Karur District.

3.The President,
R-240, K.N.Pudur Primary Agricultural
Co-Operative Credit Society,
N.Pudur, Nanniyoor Post,
Karur District.

...Respondents/Respondents

Prayer: Review Application filed under Order 47 Rule 1 and 2 r/w. Section 114 of the Code of Civil Procedure to review the Judgment dated 13.03.2023 passed in W.A.(MD) No.386 of 2022 on the file of this Court.



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For Petitioner : Mr.L.Suthakaran
For Respondents : Mr.C.Baskaran,
Government Advocate for R2
Mr.M.Senthil Ayyanar,
Government Advocate for R3

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The review is sought for of the order dated 13.03.2023.

2. The short ground on which the review is based is that after allowing the writ appeal and setting aside the order of the writ Court on a conclusion that the petitioner would be entitled to 100% subsistence allowance and the reduction of the subsistence allowance by the order impugned in the writ petition dated 31.03.2015 is illegal and un-sustainable, we had directed payment of full subsistence allowance from March 2023 which is against the spirit of the order.

3. The learned counsel appearing for the petitioner would contend



that once it is found that the impugned order is illegal he would be entitled to the benefits atleast from the date of the impugned order that is 31.03.2015.

4. A counter has been filed by the 3rd respondent Society wherein the entitlement of the petitioner of subsistence allowance and applicability of Payment of Subsistence Allowance Act is questioned. We do not think that such issue could be raised in the review petition.

5. Moreover we have recorded a finding that the Management viz., the 3rd respondent is responsible for delay in completion of the enquiry proceedings. Once such conclusion is reached, the 3rd respondent would be liable to pay subsistence allowance at 100% from the date of the impugned order and not from any subsequent date.

6. We find that the direction to pay full subsistence allowance from March 2023 that is the month during which the writ appeal came to be disposed of is clearly erroneous and we suspect that it is a typographical error. Hence, we have no hesitation in concluding that this review petition



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is to be allowed.

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7. The review petition is therefore **allowed** and the direction contained in paragraph No.4 of the writ appeal order is modified to the effect that the petitioner in the review petition/ the appellant in the writ appeal would be entitled to subsistence allowance from **March 2015** instead of March 2023. No costs.

(R.S.M.,J.) (L.V.G.,J.)
24.01.2024

dsa
Index : Yes/ No
Internet : Yes/ No
Neutral Citation : Yes/ No
Speaking order/Non-speaking order



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To

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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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