



*W.P(MD)No.16732 of 2023*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2024**

CORAM

**THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.16732 of 2023**

**and**

**W.M.P(MD)No.13967 of 2023**

R.Thangamariappan

... Petitioner

Vs.

1.The Circle Senior Inspector /  
Executive Officer,  
R.56, Rajapalayam Milk Producers  
Co-operative Society,  
Rajapalayam,  
Virudhunagar District.

2.The Deputy Registrar (Dairying),  
Deputy Registrar Office,  
Virudhunagar,  
Virudhunagar District.

3.The President,  
R.56, Rajapalayam Milk Producers  
Co-operative Society,  
Rajapalayam,  
Virudhunagar District.

4.T.Vanaraj

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.21/2022, dated



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06.02.2023 issued by the 1<sup>st</sup> respondent and quash the same as illegal and violation of natural justice and directing the 2<sup>nd</sup> respondent to reinstate the petitioner as his previous job in the office of the 3<sup>rd</sup> respondent.

For Petitioner : Mr.S.Ramakrishnan

For R1 - R3 : Mr.J.K.Jayaselan  
Government Advocate

For R4 : Mr.C.Jeyaprakash

### **ORDER**

The present writ petition has been filed to call for the records of the impugned order in Na.Ka.No.21/2022, dated 06.02.2023 issued by the 1<sup>st</sup> respondent and quash the same as illegal and violation of natural justice and directing the 2<sup>nd</sup> respondent to reinstate the petitioner as his previous job in the office of the 3<sup>rd</sup> respondent.

2. The petitioner was appointed as a Clerk under the 3<sup>rd</sup> respondent Society on 01.03.1993 and was working thereat for the past 30 years. While he was serving as Supervisor / Manager (in charge) of the 3<sup>rd</sup> respondent Society, the 1<sup>st</sup> respondent had issued a charge memo, dated 10.10.2022 as against the petitioner for having committed financial loss to the Society. On receipt of the said charge memo, the petitioner gave his explanation to the 1<sup>st</sup> respondent on 25.10.2022. Thereafter, one

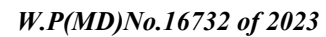


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Dhanabalagan was appointed as Enquiry Officer and enquiry was conducted. On the basis of the enquiry report, the 1<sup>st</sup> respondent passed an order of suspension, dated 06.02.2023, by which the petitioner was suspended from 06.02.2023 to 01.01.2024 for a period of 11 months. Challenging the said order, this writ petition came to be filed. However, after a period of 11 months from the date of suspension from 06.02.2023, now the petitioner has joined in his previous post.

3. When the matter is came up for hearing before this Court, the learned counsel for the petitioner submitted that though he has joined back to his job, he was not provided with any subsistence allowance by the respondents during the said period of 11 months suspension. He further submitted that the respondents may be directed to pay the subsistence allowance for the said period.

4. The learned Government Advocate appearing for the official respondents has filed a counter and submitted that in view of the fact that the petitioner had joined back to his job, nothing survives to be adjudicated in this writ petition. He further submitted that the enquiry as against the petitioner was conducted diligently and disciplinary action



5. Heard the learned counsels on either side and perused the  
 ials available on record.

6. Considering the fact that subsistence allowance was not provided to the petitioner during the period of suspension i.e., for a period of 11 months, I hereby direct the respondents 1 to 3 to provide the petitioner with appropriate subsistence allowance from 06.02.2023 to 01.01.2024. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**02.01.2024**

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

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Order made in  
W.P(MD)No.16732 of 2023

Dated:  
02.01.2024