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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.1166 of 2025

and

W.M.P.Nos.1408, 1409 and 1411 of 2025

M.Arumugam ... Petitioner

Vs.

1. The Deputy Registrar of Cooperative
Societies (Housing),
Alagesan Nagar, Chengalpattu,
Chengalpattu District.

2. The Administrator,
Ambattur – Venkatapuram Cooperative
Building Society Ltd., J.J.9769,
Lakshmi Apartments, Old Bank of Baroda Street,
Ambattur, Chennai – 600 053. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue 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 15.07.2024 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with all attendant benefits and other monetary benefits to the petitioner.



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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.V.Umakanth,
Government Advocate (for R1)
Mr.V.Manoharan (for R2)

ORDER

This Writ Petition has been filed challenging the order dated 15.07.2024 passed by the second respondent.

2. The learned counsel for the petitioner would submit that, though the petitioner challenging his suspension ordered on 15.07.2024, he restricts his claim to the extent of his subsistence allowance, as the impugned order has reference that the petitioner is not eligible for subsistence allowance as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981 (hereinafter referred to as 'the Act' for short), which is contrary to the statute, and that such denial would affect his right to livelihood.

3. The learned counsel for the second respondent would submit that the by-laws do not provide for the payment of subsistence allowance. Therefore, the second respondent submitted that the during suspension period, the petitioner is not entitled to the subsistence allowance.



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4. The above statement is contrary to the spirit of the Act regarding payment of subsistence allowance. However, according to Section 3(2) of the Act, an employee shall not be entitled to receive any subsistence allowance if he accepts any other employment during the period of his suspension. It is also relevant to refer that the clause regarding denial of subsistence allowance is contrary to the spirit of the Act.

5. At this juncture, the learned counsel for the petitioner would invite the attention of this Court to his representations dated 13.04.2024 and 18.04.2024 to the first respondent, claiming subsistence allowance, which have not been disposed of by the first respondent.

6. In view of the same, without going into the merits of this Writ Petition, this Court deems it appropriate to direct the respondents to consider the petitioner's representations dated 13.04.2024 and 18.04.2024, and pass orders on its own merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.



7. In the result, this Writ Petition is dismissed with the aforesaid directions. Consequently, the connected Miscellaneous Petitions are closed.

No costs.

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Index : Yes/No

Speaking order

Neutral Citation : Yes/No

To

1. The Deputy Registrar of Cooperative Societies (Housing),
Alagesan Nagar, Chengalpattu,
Chengalpattu District.
2. The Administrator,
Ambattur – Venkatapuram Cooperative
Building Society Ltd., J.J.9769,
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The Writ Petition is listed today under the caption “for being mentioned”.

2. Heard both sides.

3. The learned Counsel for the petitioner submitted that in the order passed by this Court on 01.07.2025, in Para 5 and 6, the date of two representations submitted by the petitioner is wrongly mentioned as 13.04.2024 and 18.04.2024 instead of 13.11.2024 and 18.12.2024 and prays to rectify the same in the order.

4. On perusal of the Records, it is referred the date of Representation as 13.11.2024 and 18.12.2024. Hence, the Registry is directed to issue fresh copy by substituting the date of representations as 13.11.2024 and 18.12.2024 in Para 5 and 6.

01.08.2025

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