



W.P.No.9690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9690 of 2023

C.Selvaraj

...Petitioner

-Vs-

1.The District Collector,
Salem District,
Salem – 636 001.

2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Omalur Region,
Omalur.

3.The Administrator,
S.777, Nangavalli Primary Agricultural Cooperative
Credit Society Ltd.,
Nangavalli Post,
Mettur Taluk,
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to consider and pass orders on the representation made by the petitioner dated 31.10.2022, made in respect of payment of subsistence allowance as per the order of the Authority and pass such further orders.



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For Petitioner : Mr.A.Umapathy
For R1 & R2 : Mrs.Geetha Thamarai Selvan
Special Government Pleader
For R3 : Mr.C.Sathish

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the representation made by the petitioner dated 31.10.2022, made in respect of payment of subsistence allowance as per the order of the Authority.

2. Learned counsel appearing for the petitioner would submit that the petitioner joined the services of the 3rd respondent Society in the year 1991. Subsequently, he was promoted as Secretary of the Society. His last drawn salary Rs,43,560/-. The petitioner was placed under suspension from 08.11.2016. After the order of suspension, no charge memo or any disciplinary proceedings were initiated against the petitioner. During the period of suspension, he was entitled to a subsistence allowance till the end of disciplinary proceedings. However, respondents 2 and 3 had not paid his subsistence allowance. Therefore, the petitioner filed an application before the Authority for payment of a subsistence allowance in P.S.A.No.07/2017



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for a period of 09.11.2016 to 07.09.2017. In the said application, the 3rd respondent contested and after hearing both sides, the Authority by its order dated 06.02.2019, pleased to order payment of a subsistence allowance from 09.11.2016 to 07.09.2017 for a sum of Rs.3,94,552/-.

3. Again the petitioner filed an application in P.S.A.No.02 of 2019 for a period of 08.09.2017 to 06.09.2018. In the said application, the 3rd respondent contested and after hearing both sides, the Authority by its order dated 25.03.2019, pleased to order payment of a subsistence allowance from 08.09.2017 to 06.09.2018 for a sum of Rs.6,09,840/-.

4. Again the petitioner filed an application in P.S.A.No.03 of 2020 for a period of 07.09.2018 to 06.10.2019. In the said application, the 3rd respondent contested and after hearing both sides, the Authority by its order dated 23.03.2021, pleased to order payment of a subsistence allowance from 07.09.2018 to 06.10.2019 for a sum of Rs.6,61,777/-.

5. Again the petitioner filed an application in P.S.A.No.07 of 2021 for a period of 07.10.2019 to 30.04.2021. In the said application, the 3rd



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respondent contested and after hearing both sides, the Authority by its order dated 26.06.2022, pleased to order payment of a subsistence allowance from 07.10.2019 to 30.04.2021 for a sum of Rs.8,25,964/-.

6. In spite of the orders passed by the Subsistence Allowance Authority, respondents 2 and 3 failed to pay subsistence allowance and no disciplinary action was taken against the petitioner till date. Therefore, the petitioner sent a detailed representation dated 31.10.2022 to all three respondents and enclosed a copy of all four orders passed by the subsistence allowance by way of registered post acknowledgment due. The said representation sent by the post was duly received by the respondents on 03.11.2022. However, till date no action has been taken by the respondents so far.

7. Heard both sides and perused the materials available on record.

8. Without going into the merits of the case, the 2nd respondent is directed to consider the representation of the petitioner dated 31.10.2022 and pass appropriate orders on merits, in accordance with law within a period of



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eight (8) weeks from the date of receipt of a copy of this order.

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In the result, the **writ petition stands disposed of with the above observations and direction.** No costs.

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cda

Index : Yes/No

Speaking/Non Speaking order

To

1.The District Collector,
Salem District,
Salem – 636 001.

2.The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Omalur Region,
Omalur.



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J.SATHYA NARAYANA PRASAD, J.

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