



W.A.No.3572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE C.SARAVANAN

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The President

E-2602, P.Pudupettai Primary Agricultural

Co-operative Credit Society Ltd.

Pudupettai, Panruti Taluk

Cuddalore District.

.. Appellant

Vs

1 The Joint Registrar of Co-operative Societies

Cuddalore Region

Cuddalore.

2 M.Thangaiyan

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent to set aside the order dated 12.01.2023 in W.P.No.14893 of 2018.



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For Appellant : Mr.S.Karthikeyan

For Respondents : Mr.S.Ravi Kumar
Special Government Pleader
for 1st respondent

: Mr.M.Kaviveerappan
for 2nd respondent

JUDGMENT
(Delivered by S.S.Sundar, J.)

This appeal is directed against the order of the learned Single Judge dated 12.01.2023 allowing the writ petition in W.P.No.14893 of 2018 filed by the second respondent/writ petitioner and directing the appellant, who is the second respondent in the writ petition, to forthwith disburse the subsistence allowance to the second respondent herein for the period between 26.4.2001 and 30.10.2007 together with interest at the rate of 6% per annum and regularise the period of suspension.

2. The writ petitioner was in service with the appellant. While in



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service, in contemplation of disciplinary proceedings, the writ petitioner was kept under suspension. W.P.No.14893 of 2018 was filed by the writ petitioner to disburse subsistence allowance to him for the period from 26.04.2001 to 30.10.2007 and regularise the period of suspension as duty with full pay and allowances and permit him to retire on 30.10.2007 with entitlement of retiral benefits.

3. Even though the appellant issued a charge memo to the writ petitioner, it is admitted that the writ petitioner has challenged the order of suspension as well as the charge memo before this Court in W.P.No.25163 of 2006, and this Court, by an order dated 30.08.2006, quashed the charge memo and directed the respondents therein to pay the subsistence allowance from 26.04.2001. An appeal was also filed by the appellant in W.A.No.45 of 2007. A Division Bench of this Court, vide judgment dated 20.10.2009, confirmed the order of the learned Single Judge. Even thereafter the writ petitioner was forced to approach the authorities for payment of subsistence allowance in tune with the directions of this Court in the earlier round of



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litigation. However, the claim was rejected by a letter dated 29.06.2010 on the ground that the appellant had preferred a review petition against the order passed in the writ appeal in W.A.No.45 of 2007. The learned Single Judge, taking note of the fact that review petition has not been filed, found that the judgment passed by this Court in W.A.No.45 of 2007 has become final and, therefore, the appellant is bound to pay the subsistence allowance for the relevant period.

4. The writ petition of the second respondent (writ petitioner) herein was opposed by the appellant only on the ground that there were criminal charges against the writ petitioner. We are of the view that said the contention of the appellant has no legal basis. The appellant is entitled to the subsistence allowance for the period, for which he was placed under suspension. Taking note of the fact that the appellant has attained the age of superannuation in 2007, the writ petition was allowed as prayed for with direction to the appellant to disburse the subsistence allowance to the writ petitioner for the period between 26.04.2001 and 30.10.2007 along with



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interest at the rate of 6% per annum with a further direction to pass appropriate orders regularizing the period of suspension.

5. We find no merit in any of the submissions made by the learned counsel for the appellant. The learned counsel for the appellant did not even attempt to substantiate the grounds, the appellant has raised attacking the impugned order of the learned Single Judge.

As a result, the appeal is dismissed. There shall be no order as to costs. Consequently, C.M.P.No.29238 of 2023 is closed.

(S.S.SUNDAR, J.)

(C.SARAVANAN, J.)

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Index : Yes/No

NC : Yes/No

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To:

The Joint Registrar of Co-operative Societies
Cuddalore Region
Cuddalore.



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