



WEB COPY

WP No. 20934 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 20934 of 2025

AND

WMP NO. 23647 OF 2025

1. P.Chinnasamy

S/o.Periyasamy No.1/358-p.V Layout,
S.V.Puram, S.V.Mills Post,
Udumalpet Taluk, Tirupur District- 642
128.

Petitioner(s)

Vs

1. The Registrar

Co- Operative Societies, N.V.Natarajan
Maligai, No.170, E.V.R. Periyar High
Road, Kilpauk, Chennai-10.

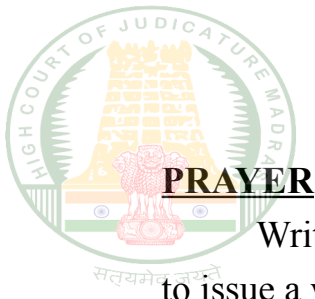
2.The Joint Registrar

Cooperative Society, Tirupur Zone,
Tirupur District.

3.The Administrator

K.1104 Elayamuthur Primary
Agricultural Co- Operative Credit
Society, Elayamuthur Post, Udumalpet
Taluk, Tiruppur District-642 154.

Respondent(s)

**PRAYER**

Writ Petition filed under Article 226 of The Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 10.02.2025 in Se. Mu.Aa. No. 352/ 2025/ Ve1 by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent authority to pay subsistence allowance to the petitioner for the period of his suspension within the time frame stipulated by this Honble court.

For Petitioner(s): M/s. M.Sudhan

For Respondent(s): Mr.Muthusamy, Govt. Advocate

For R1 and R2

Mr.C.Sathish, Govt. Advocate

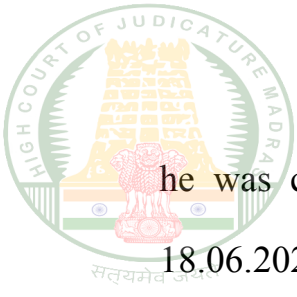
For R3

ORDER

This writ petition has been filed to call for the records relating to the impugned order dated 10.02.2025 in Se. Mu.Aa. No. 352/ 2025/ Ve1 by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent authority to pay subsistence allowance to the petitioner for the period of his suspension within the time frame stipulated by this Honble court.

2. Heard Mr.M.Sudhan, learned counsel for the petitioner, Mr.Muthusamy, learned Government Advocate for the respondents 1 and 2 and Mr.C.Sathish, learned Government Advocate for the 3rd respondent.

3. The learned counsel for the petitioner would submit that the petitioner served as a Clerk in the respondent-Society. While the petitioner was in service,



he was charged with POCSO offence and thereafter, he was suspended on 18.06.2021. Thereafter, after full trial, the petitioner was acquitted from the criminal cases and thereafter, the respondent has reinstated him on 28.04.2023.

It is the specific submission of the petitioner that no subsistence allowance was paid to him under the Tamil Nadu Government Servants (Conditions of Service), Act, 2016.

4. However, the learned counsel for the respondent would submit that as per Rule 30(4)(i) of the Tamil Nadu Agriculture Co-Operative Credit Societies Common Cadre Service Rules, 2019, a Common Cadre employee is entitled for a subsistence allowance in accordance with the Tamil Nadu Payment of Subsistence Allowance Act, 1981. The provisions of the above Rule states that the subsistence allowances shall be made only upon furnishing of certificate for not engaging in any other employment, business, profession, vocation related occupation, it is incumbent upon the delinquent to furnish the certificate to the effect that he was not engaged in any other employment, business, profession, vocation related occupation during the suspension period. It is his specific submission that such certificate has not been submitted by the petitioner and that in the absence of the said certificate, they are not in a position to pay the subsistence allowance.

5. At this juncture, the learned counsel for the petitioner would submit that they would submit the said certificate.



6. In such view of the matter, on production of such certificate, the 3rd respondent is directed to pay the subsistence allowance, within a period of six(6) weeks in accordance with law, if the petitioner is otherwise eligible.

7. In the result, this writ petition is disposed of with the above directions. There shall be no order as to costs. Consequently, connected WMP is also closed.

17-06-2025

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Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Registrar

Co- Operative Societies,

N.V.Natarajan Maligai,

No.170, E.V.R. Periyar High Road,

Kilpauk, Chennai-10.

2. The Joint Registrar

Cooperative Society, Tirupur Zone,

Tirupur District.

3. The Administrator

K.1104 Elayamuthur Primary

Agricultural Co- Operative Credit

Society Elayamuthur Post, Udumalpet

Taluk, Tiruppur District-642 154.



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C.KUMARAPPAN J.

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