



W.P.No.22181 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.22181 of 2023

T.R. Murugan

.. Petitioner

Versus

1.The Joint Registrar
O/o Co-operative Societies,Dharmapuri District.

2. The Deputy Registrar,
Co-operative Societies,
Dharmapuri District.

3. The President,rep by V.M.Rathinam,
5558, Vadukapatti Primary Agricultural
Co-operative Credit Society,
Vadugapati, Harur Taluk,
Dharmapuri District.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay the subsistence allowance and salary and reinstate the petitioner into service with all consequential and attendant benefits on the basis of petitioner's representation dated 21.09.2021 and 25.06.2023 within a time bound and pass orders.



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For Petitioner : Mr.S. Saravana Kumar

For Respondents : Mr.K.Tamil Vendan, GA

ORDER

This petition is filed to issue a Writ of Mandamus directing the respondent to pay the subsistence allowance and salary and reinstate the petitioner into service with all consequential and attendant benefits on the basis of petitioner's representation dated 21.09.2021 and 25.06.2023 within a time bound and pass orders.

2.The facts of the case is that the petitioner is working as a Secretary in the third respondent society. Whiles, the Sub Registrar(Enquiry) had initiated proceedings against the petitioner under Section 81 of the Tamil Nadu Co-operative Societies Act,1983 with certain allegations such as misappropriation. Thereafter, disciplinary action was taken against the petitioner and enquiry was conducted. Pursuant to which the 3rd respondent vide order dated 21.01.2019 dismissed the petitioner from services and The Sub-Registrar, Dharmapuri had sent a letter on 15.11.2022, wherein, the petitioner was



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instructed to participate in the internal enquiry. On 30.03.2023 The Enquiry Officer gave a finding that the charges for suspension was proved and on that basis the second respondent has given show cause notice on 05.04.2023 and sought for explanation for enquiry report and issued another notice on 07.06.2023. It is pertinent to note that on 25.06.2023 the petitioner has given proper reply. The sum and substance of the case is that the petitioner was not paid subsistence allowance and salary. Hence, the petitioner gave representation on 21.09.2021 and 25.06.2023 to pay the subsistence allowance and salary and reinstate the petitioner into service with all consequential and attendant benefits. However, the same was not considered till date. Hence, this petition

3. The learned counsel appearing for the petitioner submitted that the action taken by the respondents against the petitioner is not in proper manner by adopting proper procedures and the allegations of misappropriation is not true. It is pertinent to note that the enquiry officer insisted the petitioner to deposit the amount, due to which he has paid a sum of Rs.2,20,000/-. He further submitted that inspite of the request made by the petitioner to furnish the copy of the report which is



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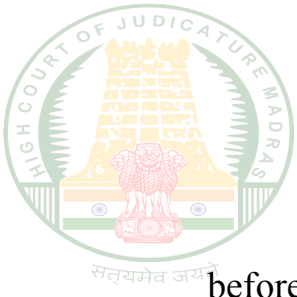
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contemplated under Section 81 of the Tamil Nadu Cooperative Societies Act, 1983 till date no reply was given and also no subsistence allowance and salary was not paid to the petitioner. Hence, prays to allow this petition.

4. The learned Special Government Pleader appearing for the respondents filed a counter affidavit wherein, it has been stated that the first respondent has considered the representation of the petitioner and passed an order in letter No.1288/2021/Tho.Sa.dated 13.07.2022, Wherein, they have rejected the claim of the petitioner. If the petitioner was aggrieved by the said order he ought to have filed a Revision petition before the Government, without availing the statutory remedy available to the petitioner by way of filing Revision Petition under section 153 of the Act, 1983, the petitioner has filed the present writ petition and the same is not maintainable. Hence, prays to dismiss this petition.

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

6. On a perusal of records, it is evident that there is a alternate remedy available to the petitioner under section 153 of the Act, 1983



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before the Government. Hence, the petitioner is directed to file Revision Petition before the concerned authorities within a period of four weeks from the date of receipt of a copy of this order. After filing the Revision Petition, the authorities concerned should furnish copy of the documents, if any, sought for by the petitioner and also provide an opportunity of personal hearing to the petitioner and complete the enquiry within a period of 90 days from the date of filing of the Petition. Thereafter, the respondents are further directed to pass orders within a period of 30 days from the date of completion of the enquiry. With regard to payment of subsistence allowance to the petitioner, the respondents can consider the same and pass orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No order as to costs.

09.04.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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