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W.P.No.31164 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31164 of 2025
and W.M.P.Nos.34914 & 34918 of 2025

K.Muthukkannan

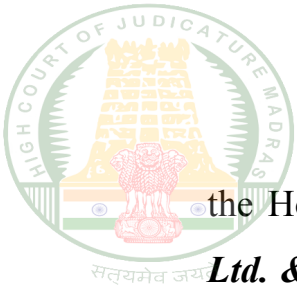
... Petitioner

Vs

- 1.The Joint Registrar of Co-operative Societies,
Tiruppur Region,
Tiruppur (Dt).
- 2.The Deputy Registrar of Co-operative Societies,
Tiruppur Circle,
Tiruppur (Dt).
- 3.The Administrator,
K.2046 Palangarai Primary Agricultural Cooperative
Credit Society,
Aveinashilingapalayam, Avanish Taluk,
Tiruppur (Dt).

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the 100% subsistence allowance for the suspension period and consequently to review the suspension order dated 28.08.2024 in the light of observations of



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the Hon'ble Apex Court Judgment made in ***Bhupinder Singh Vs Unitech Ltd. & other*** in paragraph 14 by considering the petitioner's representations dated 28.07.2025.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : M/s.Ranganayaki,
Additional Government Pleader [R1 & R2]
Mr.A.M.Ayyadurai,
Government Advocate for R3

ORDER

The above writ petition has been filed seeking a mandamus to the respondents to pay the 100% subsistence allowance to the petitioner during his suspension period and also to review the suspension order dated 28.08.2024.

2. The case of the petitioner is that he had put in more than 12 years of unblemished service in the third respondent-Society since 31.01.2013. While he was holding the post of Junior Clerk, an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act was ordered and based on the enquiry report, he was suspended from service on 28.08.2024. The

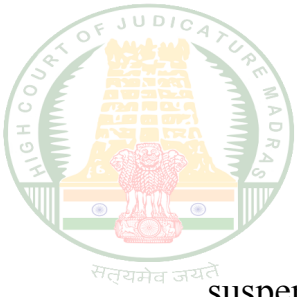


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petitioner would submit that from 28.08.2024 to 27.11.2024, he was paid 50% of the subsistence allowance, and for the remaining period, no subsistence allowance was paid to him. The petitioner had submitted his representations dated 28.07.2025, 18.03.2025 and 09.08.2025 to the third respondent seeking subsistence allowance during his suspension period and also to review his suspension.

3. The petitioner would contend that he was entitled to 100% subsistence allowance, if he was under suspension for more than 180 days. Accordingly, the authority has to pay him the subsistence allowance for the period from 28.08.2024 to date. The petitioner would submit that the respondents without considering his request to pay the subsistence allowance, had appointed an enquiry officer on 17.04.2013, to conduct domestic enquiry for the charges levelled against him. The petitioner would also allege that one of his colleague Mrs.Arunthathi, Assistant Secretary, who was suspended on 06.05.2024, was reinstated into service, by reviewing her suspension, and that the same relief may be extended to him.



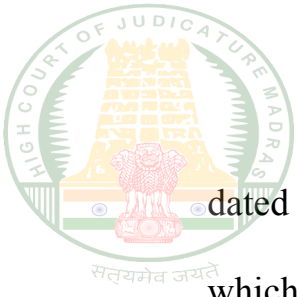
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4. The petitioner would submit that he had been on a prolonged suspension from 28.08.2024 and that he had submitted several representations to the third respondent seeking to review the order of suspension and to reinstate him into service. But neither of his representations was considered to date.

5. The learned counsel for the petitioner in support of his case, has relied on the judgment of the Hon'ble Supreme Court in ***Bhupinder Singh Vs Unitech Ltd. & others, [C.A.No.10856 of 2016 dated 23.01.2025]*** where the Supreme Court had held that on the expiry of six months of suspension, a Government official becomes entitled to 75% of pay as subsistence allowance. The learned counsel would also submit that of the several representations made by the petitioner seeking the relief as narrated above, his representation dated 28.08.2024, provides the details of subsistence allowance amount, which is due to the petitioner as on 27.07.2025.

6. Considering the grievance of the petitioner that he had been on a prolonged suspension and was not employed elsewhere after his suspension, a mandamus is issued to the respondents to consider his representation



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dated 28.07.2025 with regard to payment of 100% subsistence allowance, which according to the petitioner, he is entitled to and pass order in accordance with law within a period of one month from the date of receipt of a copy of this order. Meanwhile, the respondents shall continue to conduct the domestic enquiry and the same shall be concluded within a period of two months. The petitioner is also directed to co-operate with the respondents during the conduct of domestic enquiry.

7. With the above directions, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

20.08.2025

Index : Yes / No

Neutral Citation : Yes / No

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To :

- 1.The Joint Registrar of Co-operative Societies,
Tiruppur Region,
Tiruppur (Dt).
- 2.The Deputy Registrar of Co-operative Societies,
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P.T. ASHA, J.

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