



W.P.(MD) No.6333 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2025

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD)No.6333 of 2025

S.Viswarooba Kesavan

... Petitioner

Vs.

1.The Joint Registrar of
Co-operative Societies /,
Chairman of the Common Cadre Authority,
Virudhunagar Region,
Virudhunagar.

2. The Administrator,
R.67, Valliyur Primary Agriculture Co-Operative Credit Society,
Valliyur Post,
Virudhunagar Block,
Virudhunagar District..

3. The Deputy Registrar,
Office of the Deputy Registrar of Co-Operative Societies,
Aruppukottai,
Virudhunagar District.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to pay the subsistence allowance to the petitioner from the date of suspension i.e., 16.04.2024 and other monetary benefits within a time frame fixed by this Court.



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For Petitioner : Mr.I.Suthakaran
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the respondents to pay the subsistence allowance to the petitioner from the date of suspension i.e., 16.04.2024 and other monetary benefits within a time frame fixed by this Court.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that he has been working as the Secretary of Co-operative Society for the past 32 years. He was kept under suspension vide order dated 16.04.2024 by the first respondent alleging that there was misappropriation taken place at R/67. Valliyur Primary Agriculture Co-operative Credit Society Ltd. While passing the



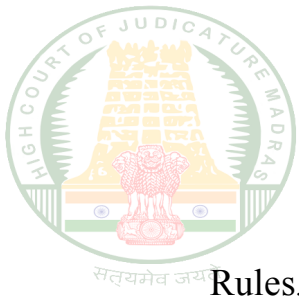
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order of suspension, it was made clear that the petitioner is entitled for the subsistence allowance. The grievance of the petitioner is that the respondents did not pay subsistence allowance to the petitioner from the date of suspension i.e 16.04.2024. Under those circumstances, he made a representation on 28.10.2024 requesting for payment of subsistence allowance with arrears but the said representation also was not considered.

4. The learned counsel for the petitioner would submit that the genuineness of the allegations made against the petitioner will be decided only after finalization of the domestic enquiry. Meanwhile, it is the duty of the respondents to pay subsistence allowance to the petitioner for his survival.

5. On a perusal of the suspension order dated 16.04.2024 issued by the first respondent, it appears that the petitioner is entitled for subsistence allowance. The learned counsel for the petitioner also drawn attention of this Court to Rule 30(4)(i) of the Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Services



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Rules, 2019. The said provision stipulates that a common cadre employee under suspension shall be entitled to subsistence allowance as per the Tamil Nadu Payment of Subsistence Allowance Act, 1981. As and when the Rule specifically provides for entitlement of payment of subsistence allowance to the petitioner and in the suspension order dated 16.04.2024 issued by the first respondent itself it is mentioned that the petitioner will be paid subsistence allowance during the suspension period, there is no reason for the respondents in not paying the subsistence allowance to the petitioner from the date of his suspension. The respondents also failed to consider the representation dated 28.10.2024 of the petitioner wherein he requested the payment of arrears of subsistence allowance.

6. Considering the facts and circumstance of the case, in the considered opinion of this Court, the respondents failed to follow the procedure provided under the relevant Rules to pay the subsistence allowance to the petitioner for which he is legally entitled.

7. For the aforesaid reasons, this writ petition is allowed at the stage of admission with consent of both sides with the following



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direction:

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"The first respondent is directed to take steps to instruct the second respondent to make payment of subsistence allowance to the petitioner from the date of the order of suspension i.e 16.04.2024 with arrears, within a period of two weeks from the date of receipt of a copy of this order".

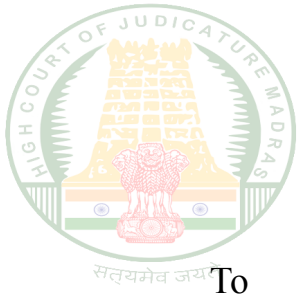
There shall be no order as to costs.

10.03.2025

Index: Yes/No

Internet: Yes/No

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BATTU DEVANAND, J.

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