



W.P.(MD)No.10538 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.10538 of 2025

R.J.Gangatharan

... Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies,
Madurai.

2. A.3101, Madurai Milk Project Employees Cooperative Thrift
Credit Society Ltd., Represented by its Administrative Officer,
Sathamangalam, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the representations given by the petitioner to the respondents dated 20.02.2025 & 31.03.2025 given for payment of arrears of subsistence allowance and continue to pay subsistence allowance till the revocation of order of suspension of the petitioner.



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For Petitioner : Mr.R.Ramanujam

For Respondents : Mr.D.Sachikumar,
Additional Government Pleader

ORDER

Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and carefully perused the materials available on record.

2. The petitioner who was working as Assistant Secretary in the second respondent Society was kept under suspension vide proceedings dated 19.07.2019 issued by the second respondent. Thereafter, a charge memo was issued and an enquiry was conducted under Section 81 of the TamilNadu Cooperative Societies Act, 1983. Till now enquiry is not concluded. During the suspension period of the petitioner, only 50% of salary has been paid as subsistence allowance to the petitioner. The second respondent had stopped in paying 50% of salary towards subsistence allowance from the month of November-2024. The petitioner submitted a representation on 20.02.025 and



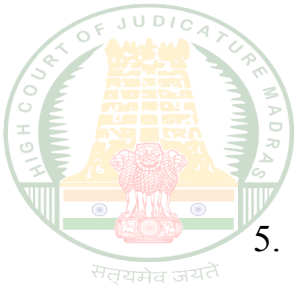
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31.03.2025 to the respondents seeking to pay the subsistence allowance. But,

the same was not considered by the respondents. Aggrieved by the same, the present writ petition is filed.

3. It is an admitted fact that though the petitioner was kept under suspension from 19.07.2019, till date, the disciplinary enquiry is not yet concluded. If, the contention of the petitioner is true, that from the month of November 2024, the second respondent stopped the payment of the subsistence allowance, such action of the second respondent is against the Rules and the settled position of law. During the suspension period, every employee is entitled for subsistence allowance.

4. In view of the same, it is appropriate and desirable to direct the second respondent to consider the representations of the petitioner submitted on 20.02.2025 and 31.03.2025, to grant subsistence allowance to the petitioner to meet the interest of justice.



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5. Accordingly, this writ petition is disposed of with the following

WEB ~~CONF~~ directions:

i) The second respondent shall consider the representations of the petitioner and pay the subsistence allowance from the month of November-2024 onwards till the completion of disciplinary enquiry 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.

21.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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Madurai.
2. A.3101, Madurai Milk Project Employees Cooperative Thrift
Credit Society Ltd., Represented by its Administrative Officer,
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BATTU DEVANAND, J.

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