



W.P.(MD)No.19557 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.19557 of 2025

and

W.M.P.(MD)Nos.15097 and 15098 of 2025

Velusamy

... Petitioner

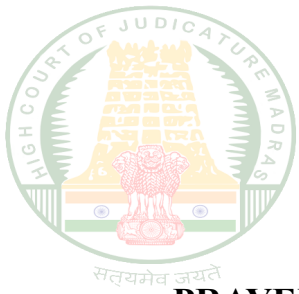
-VS-

1.The Deputy Registrar of Co-operative Societies,
Kamatchi Amman Kovil Street,
Aranthangi Post and Taluk,
Pudukkottai District.

2.The Administrator,
M.M.574, Kattathi Primary Agricultural
Co-operative Credit Society Limited,
Nambivayal Post,
Pudukkottai District.

3.Mariyappan,
Deputy Registrar (Retired)/Enquiry Officer,
M.M.574, Kattathi Primary Agricultural
Co-operative Credit Society Limited,
Nambivayal Post,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to provide subsistence allowance to the petitioner from 01.07.2024 onwards.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 and R2 : Mr.K.Balasubramani
Special Government Pleader

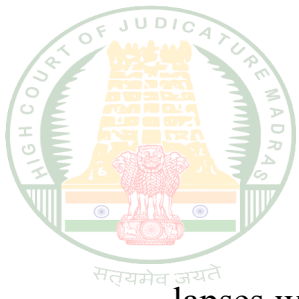
ORDER

This Writ Petition is filed seeking a direction to the second respondent to provide subsistence allowance to the petitioner from 01.07.2024 onwards.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.

4. The petitioner submits that he was appointed as a 'Salesman' in the second respondent Society on 12.12.1994 and had been discharging his duties diligently, eventually serving as 'Secretary (in-charge)' from 01.01.2015. Pursuant to a surprise inspection conducted by the first respondent on 19.01.2022, certain



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lapses were found, leading to an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 and a subsequent charge memo dated 29.04.2023. The main allegation pertains to disbursal of salary during 2021–2022 to retired employees and other staff, which had been a longstanding practice. The petitioner has not misappropriated any funds and is willing to face the enquiry. However, he was placed under suspension from 08.04.2022 and was paid subsistence allowance only till June 2022. Despite repeated representations, the second respondent failed to pay subsistence allowance thereafter, without providing any reasons. The first respondent, vide proceedings dated 25.10.2024, directed the second respondent to release the allowance and complete the enquiry, but the second respondent failed to comply with the same. The third respondent, who was appointed as 'Enquiry Officer', initiated the departmental enquiry, but the petitioner, deprived of his rightful subsistence allowance, is unable to effectively participate in the proceedings. In this regard, the petitioner has sent a representation dated 28.02.2025. Since the same has not been considered so far, the petitioner prays for issuance of a Writ of Mandamus, directing the second respondent to disburse the pending subsistence allowance and to ensure fair conduct of the enquiry.



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5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 28.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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21.07.2025

To:-

- 1.The Deputy Registrar of Co-operative Societies,
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VIVEK KUMAR SINGH, J.

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