



W.P.(MD)No.19254 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

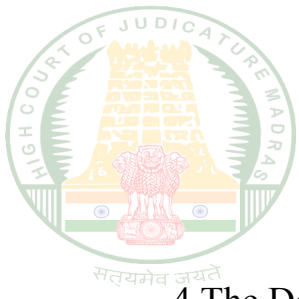
W.P.(MD)No.19254 of 2025
and
W.M.P.(MD)No.14771 of 2025

S.Sathish Kumar

... Petitioner

-VS-

- 1.The Managing Director,
Department of Co-operative Milk Producers Union,
No.3A, Aavin Illam,
Pasumpon Muthuramanlinganaar Salai,
Nanthanam,
Chennai - 600 035.
- 2.The General Manager,
Aavin, the Trichy District Co-operative Milk
Producers' Union Limited,
Pudhukottai Road,
Kottapattu,
Trichy - 620023.
- 3.The Additional General Manager,
Aavin, the Trichy District Co-operative Milk
Producers' Union Limited,
Pudhukottai Road,
Kottapattu,
Trichy - 620023.



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4. The Deputy General Manager,
Aavin, the Trichy District Co-operative Milk
Producers' Union Limited,
Pudhukottai Road,
Kottapattu,
Trichy - 620023.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revoke the suspension order passed vide his proceedings in Na.Ka.No.14147/Pone/2023 dated 26.03.2025 and consequently, to direct the respondents to pay the subsistence allowance to the petitioner for the period between 01.04.2025 till date, by considering the petitioner's representations dated 12.05.2025, 15.05.2025 and 19.05.2025, within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For R2 : Mr.J.Devasenar
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents to revoke the suspension order passed vide proceedings in Na.Ka.No. 14147/Pone/2023 dated 26.03.2025 and consequently, to direct the respondents to pay the subsistence allowance to the petitioner for the period from 01.04.2025 till date, by considering the petitioner's representations dated 12.05.2025, 15.05.2025, and 19.05.2025, within a time frame to be stipulated by this Court.



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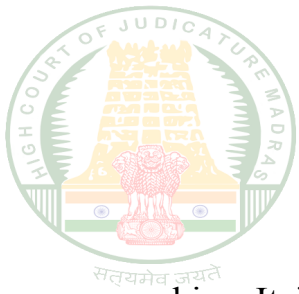
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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since no adverse orders are going to be passed against the respondents 1, 3 and 4, notice to the respondents 1, 3 and 4 is hereby dispensed with.

4. According to the petitioner, he was appointed as 'Manager (Fodder)' at the Trichy District Cooperative Milk Producers' Union Limited on 01.03.2009 and has served with diligence since then. However, to his shock and dismay, the second respondent, vide proceedings in Na.Ka.No.14147/Pone/2023 dated 26.03.2025, placed him under suspension. The grounds for suspension, as stated, were that during a video conference held on 26.03.2025 by the Additional Chief Secretary, the petitioner failed to submit the relevant production and stock details and did not achieve the production capacity fixed by the Union.

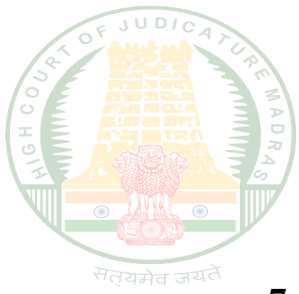
5. The petitioner submits that the suspension order itself clearly states that he would be entitled to receive subsistence allowance during the suspension period. However, from April 2025 till date, no such allowance has been paid to



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him. It is submitted that denial of subsistence allowance, especially, when the petitioner depends solely on his salary for sustenance, amounts to a violation of Article 21 of the Constitution of India. The principle behind payment of subsistence allowance is to ensure the suspended employee is not financially crippled during the pendency of enquiry or proceedings, especially, since the employer-employee relationship remains intact during suspension.

6. The petitioner further submits that more than three months have passed since the suspension was effected and the respondents have neither initiated any disciplinary proceedings nor issued any charge memo. In the absence of public interest, the continuation of suspension beyond three months without any reasoned extension order is not only unwarranted but also contrary to established principles of service jurisprudence. The law mandates that if a charge memo is not issued within the initial three-months suspension period, the suspension cannot be continued without a specific, reasoned order extending it. No such order has been issued in the present case.



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7. In view of the above, the petitioner submitted representations dated 12.05.2025, 15.05.2025, and 19.05.2025 to the respondents, requesting immediate release of the subsistence allowance and revocation of the suspension order. Though the said representations were duly acknowledged by the respondents, no action has been taken till date. The continued inaction of the respondents has caused undue hardship to the petitioner, forcing him to approach this Court for redressal.

8. Heard the learned counsel appearing for the parties.

9. 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 the India and direct them to consider the same within a stipulated time.



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10. In the light of the above observations, there shall be a direction to the respondents 2 to 4 herein to consider the petitioner's representations dated 12.05.2025, 15.05.2025 and 19.05.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months 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 respondents concerned to consider the same on its own merits.

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

NCC : Yes / No

Index : Yes / No

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VIVEK KUMAR SINGH, J.

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