



WEB COPY



W.A.No.382 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.No.382 of 2026
and
C.M.P.Nos.3456 & 3459 of 2026**

M.Sithimurugan

... Appellant

-Vs-

1. The Joint Registrar of Co-operative Societies /
Revisional Authority,
Salem Region,
Salem,
Salem District.
2. The Deputy Registrar of Co-operative Societies,
Omalur Circle,
Omalur,
Salem District.
3. The Administrator,
S.M.38, Kolathur Panchayat Union,
Employees and Teachers Co-operative Thrift
and Credit Society Limited,
Kolathur Post – 636 303,
Mettur Taluk,
Salem District.

... Respondents



W.A.No.382 of 2026

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 03.11.2025 in W.P.No.34601 of 2023.

For Appellant : Mr.C.Prakasam

For Respondents : Mr.E.Renganayaki
Addl. Government Pleader for R1 & R2
Mr.P.S.Shivashanmugasundaram for R3

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order dated 03.11.2025 made in W.P.No.34601 of 2023.

2. The appellant was the writ petitioner, who was an employee of the third respondent Society against whom disciplinary proceeding for the alleged charge of misappropriation had been initiated. Pursuant to the same, he has been placed under suspension with effect from 09.09.2021. Thereafter, charge memo has been issued, enquiry was conducted and in the enquiry, the charge has been proved, therefore, he has been removed from service, by an order passed by the third respondent Society dated 05.09.2023 with effect from 05.09.2023 alone, thereby the appellant / writ petitioner was in service till 05.09.2023, of course under suspension.



WEB COPY

3. The issue that was projected before the writ Court was that, during suspension period, since he was not paid the subsistence allowance, he sought for subsistence allowance.

4. The earlier litigation filed by the writ petitioner in this regard was negated because during the period of suspension as one of the conditions he is supposed to be in Headquarters as he was not residing in the Headquarters and has shifted to his native place, therefore, he is not entitled for subsistence allowance.

5. However, the reason for non-residing in the Headquarters is that, because of his out of service as he was not getting any salary nor has been paid any subsistence allowance, it was very difficult for him to make both ends meet, therefore, since he was residing in the Headquarters only in the rental premises, he was not able to pay even the rental amount, therefore, he had to be placed in a piquant situation to shift his residence to his native place from where he diligently come to the Headquarters whenever he was called for to attend the enquiry and fully he co-operated with the enquiry.



W.A.No.382 of 2026

WEB COPY

6. When that being the position, since the appellant / petitioner during the suspension period was entitled to get the subsistence allowance even though he has been dismissed subsequently from service with effect from 05.09.2023, from the date of suspension, i.e., 09.09.2021 till 04.09.2023, since he was in service and was under suspension as per the Rule which is in vogue since he is entitled to get subsistence allowance, the same ought to have been paid by the third respondent Society.

7. When this was pleaded before the writ Court, the writ Court has not considered the issue in proper perspective through the impugned order, therefore, we are inclined to set aside the said order passed by the writ Court dated 03.11.2025 which is impugned herein and as a sequel, are inclined to give a direction to the third respondent Society to calculate the subsistence allowance payable to the appellant / writ petitioner from 09.09.2021 till 04.09.2023 and pay the same to the appellant / petitioner, within a period of four weeks from the date of receipt of a copy of this judgment.

8. A mere direction given by this Court in this order to pay the subsistence allowance, would no way help the appellant / writ petitioner to take any advantage with regard to the finding that has been given by the Enquiry



W.A.No.382 of 2026

Officer based on the enquiry with regard to misappropriation charge as neither that charge nor the dismissal order dated 05.09.2023 seems to have been challenged by the appellant / writ petitioner.

9. With this observation, this Writ Appeal is ordered accordingly. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

(R.S.K., J.) (N.S., J.)
23.03.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji

To

1. The Joint Registrar of Co-operative Societies /
Revisional Authority,
Salem Region,
Salem, Salem District.
2. The Deputy Registrar of Co-operative Societies,
Omalur Circle,
Omalur, Salem District.
3. The Administrator,
S.M.38, Kolathur Panchayat Union,
Employees and Teachers Co-operative Thrift
and Credit Society Limited,
Kolathur Post – 636 303,
Mettur Taluk, Salem District.



WEB COPY



W.A.No.382 of 2026

**R.SURESH KUMAR, J.
and
N.SENTHILKUMAR, J.**

vji

**W.A.No.382 of 2026
and
C.M.P.Nos.3456 & 3459 of 2026**

23.03.2026