



WEB COPY



WA No. 367 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 367 of 2026 AND

CMP NO. 3199 OF 2026

M.Dhandapani
S/o. Munusamy,
No.1834,Mariamman Kovil Street,
Kuberan Nagar, Vengikkal (POST),
Tiruvannamalai and District

..Appellant

Vs

1. The Common Cadre Authority/
Joint Registrar of Co-Operative Societies,
Thiruvannamalai Reign,
Thiruvannamalai.
2. The Administrator
V.T.645 Vengikkal Primary Agicultural,
CooperativeCredit Society Ltd,
Vengikkal Village and Post,
Tiruvannamalai.

..Respondents

Prayer in WA No. 367 of 2026 : Writ Appeal under Clause XV of the Letters Patent to allow the Writ Appeal and set aside the Order in WP No. 43959 of 2025 dated 13.11.2025.

For Appellant :

Mr.L.P.Shanmugasundaram

For Respondents :

Dr.R.Gouri, Government Counsel for R1
Mr.M.Murali for R2



WA No. 367 of 2026

Judgment

WEB COPY (Judgment of the Court was delivered by S.M.Subramaniam J.)

The present writ appeal has been instituted challenging the writ order dated 13.11.2025 in W.P.No.43959 of 2025.

2. The writ petitioner is the appellant before this Court. The writ petition has been instituted seeking direction to the respondents to consider the representation submitted by the appellant on 14.10.2025 to pay 100% subsistence allowance and furnish the required documents to the appellant during the suspension period from 05.05.2017 till date with interest at 14%.

3. The relief sought for in the present writ petition is not only contradictory but running counter to the scheme of subsistence allowance for the employees. The writ court, while considering the issues, recorded that the appellant is not cooperating for early completion of domestic enquiry proceedings, however directed the appellant to appear before the common cadre authority and participate in the enquiry. On such appearance, the first respondent is directed to consider the request of payment of subsistence allowance.

4. An employee under suspension is entitled for subsistence allowance and it is a basic right. Subsistence allowance is paid to protect the livelihood of an employee during the pendency of the departmental disciplinary proceedings. An



WA No. 367 of 2026

employee facing departmental disciplinary proceedings is not entitled to secure any other employment and therefore the scheme of subsistence allowance has been implemented to protect his livelihood. But, subsistence allowance is to be paid subject to the terms and conditions stipulated under the scheme. The employee under suspension must reside in the headquarters as stated in the order of suspension and he has to file an affidavit or necessary document to establish that he is not gainfully employed elsewhere. On production of all requisite documents, the competent authority is bound to grant subsistence allowance in accordance with the rules in force.

5. In the present case, the appellant was placed under suspension in the year 2017. It is brought to the notice of this Court that already a sum of Rs.1,00,000/- has been paid. The appellant is not cooperating for conduct of disciplinary proceedings and one way or the other he is attempting to evade the enquiry proceedings and therefore the relief as such should not be granted, is the submission made on behalf of the respondents.

6. A delinquent officer is expected to cooperate for early disposal of disciplinary proceedings. The idea of continuing in suspension and getting subsistence allowance alone by a delinquent officer, at no circumstance, can be encouraged by the employer as well as the Courts. In such circumstances, the



WA No. 367 of 2026

competent authority is empowered to record the non-cooperation on the part of the delinquent officer and proceed with the enquiry exparte.

7. Unnecessary and irrelevant documents cannot be sought for by the delinquent officer during the course of enquiry. One of the tactics by the delinquent officers is seeking unnecessary documents during the course of enquiry in order to stall such enquiry. Such approach of the delinquent officers cannot be encouraged and the documents which are relied in the charge memorandum alone is to be furnished to the delinquent officer to defend his case. If the documents sought for by the delinquent are unnecessary, the authorities are empowered to reject the same. It is made clear that relied on documents must be furnished to the delinquent officer enabling him to defend the case.

8. In the present case, the writ court has directed the appellant to appear before the Joint Registrar of Cooperative Societies / common cadre authority for enquiry. The said direction cannot be construed as infirm. That apart, the writ court has directed the first respondent authority to consider the request of the petitioner for payment of subsistence allowance. In this regard, a sum of Rs.1,00,000/- has already been paid by way of subsistence allowance to the appellant. Therefore, the authorities are directed to calculate the subsistence allowance due to the appellant as on today and settle the same within a period of



WA No. 367 of 2026

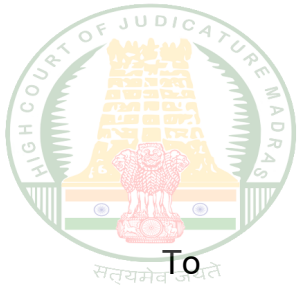
two weeks from the date of receipt of a copy of this order. However, the payment of subsistence allowance must be subject to the terms and conditions stipulated under the Rules. The appellant is directed to cooperate for early disposal of the enquiry proceedings and the respondents are directed to proceed with the departmental disciplinary proceedings and complete the same within a period of two months from the date of receipt of a copy of this order. The appellant is directed to cooperate by not seeking any adjournment. If there is any non-cooperation on the part of the appellant, the competent authorities shall record the same and proceed with the enquiry proceedings and conclude the enquiry by passing final orders in the departmental disciplinary proceedings.

9. With the above directions, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
15-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



WA No. 367 of 2026

To

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Page 7 of 7