

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35665 of 2015

R.Mohanraj

.. Petitioner

Vs.

1. The Registrar of Co-operative Societies
170, E.V.R.Periyar High Road,
Kilpauk, Chennai.
2. The Joint Registrar of Co-operative Societies
Dharmapuri Region,
Appavoo Nagar,
Dharmapuri - 636 701.
3. The Special Officer/Deputy Registrar
The Dharmapuri Co-operative Town Bank Ltd.,
Dharmapuri.

..Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to consider and pass orders on petitioner's representation dated 11.06.2015.

For Petitioner : Mr.S.Sudarshan

For Respondent : Mr.L.P.Shanmugasundaram
Nos.1 & 2 Special Government Pleader

For Respondent : Mr.E.M.S.Natarajan
No.3.

ORDER

By consent, the writ petition is taken up for final disposal.

2. The writ petition is filed for a writ of mandamus directing the 1st respondent to consider the representation of the petitioner dated 11.06.2015 and pass appropriate orders.

3. According to the petitioner, he was appointed as a Cashier in Dharmapuri Co-operative Town Bank/3rd respondent on 25.07.1989. One P.Thangavel was employed by the respondent in the bank for the purpose of computer maintenance for the year 2001 - 2003. The said P.Thangavel took undue advantage of lack of computer knowledge of the petitioner manipulated savings Bank and current accounts and misappropriated a sum of Rs.2.88 Crores and eventually, the petitioner along with 13 other staffs of the bank were placed under suspension by order dated 17.07.2003.

4. It is the case of the petitioner that in the report submitted by the committee under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983, it was found that the said Thangavel was responsible for the misappropriation of funds.

5. In the earlier writ petition filed by the petitioner in W.P.No.23078 of 2009, this Court has issued a direction to consider the representation of the petitioner within a period of eight weeks and as per the order, the third respondent has sought opinion of the first respondent with regarding to his reinstatement of service. In reply, the first respondent vide his letter No.Na.Ka.42626/2011/Na.Va.1 dated 10.09.2012 passed an order stating that without prejudice to the pending surcharge proceedings, criminal case and disciplinary proceedings, the management itself may take a decision regarding reinstatement in service.

6. It is further contended by the petitioner that on 14.09.2013, the executive committee of the bank passed a resolution for reinstatement of the petitioner into service. Despite the same, the 3rd respondent has not passed any orders so far. Hence, the present writ petition.

7. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

8. This Court, in the light of above facts and circumstances, permits the petitioner to submit one more representation to the third respondent, within a period of two weeks from the date of receipt of a copy of this order. The third respondent on receipt of the same is

directed to consider the said representation on merits and in accordance with law, within a period of eight weeks thereafter and communicate the decision taken by him to the petitioner. The writ petition is disposed of accordingly. No costs.

sms

Sd/-

Assistant Registrar (Judicial)

/True Copy/

Sub-Assistant Registrar

To

1. The Registrar of Co-operative Societies
170, E.V.R.Periyar High Road,
Kilpauk, Chennai.
2. The Joint Registrar of Co-operative Societies
Dharmapuri Region,
Appavoo Nagar,
Dharmapuri - 636 701.
3. The Special Officer/Deputy Registrar
The Dharmapuri Co-operative Town Bank Ltd.,
Dharmapuri.

+1 C.C. To MR.S.Sudarshan, Advocate in SR.NO.61088

+1 C.C. To Government Pleader in SR.NO.61470

सत्यमेव जयते

W.P.No.35665 of 2015

TM(CO)

sd : 24/11/2015

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