

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.20033 of 2015 and
M.P.Nos.1 and 2 of 2015

M.Sridhar

... Petitioner

vs.

- 1.The State of Tamilnadu,
Represented by its Secretary,
Department of Co-operative Societies,
St.George Fort, Chennai.
- 2.Joint Registrar of Co-operative Societies,
Kancheepuram District,
Kancheepuram.
- 3.Deputy Registrar of Co-operative Societies,
Maduranthagam, Kancheepuram District.
- 4.The President,
100 Karunguzhi Primary Agriculture
Co-operative Society,
Madurandagam Taluk,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified mandamus, to call for the records pertaining to impugned order of suspension dated 13.08.2014 passed by 4th respondent and quash the same as illegal, arbitrary, unfair and abuse of power and against the statute and rules made thereunder and further direct the respondents to pay the salary to the petitioner for the period from 15.06.2012 to 31.07.2014 as well as subsistence from the date of issuance of suspension order on 13.08.2014.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.L.P.Shanmugasundaram
Special Govt.Pleader (Co-op)

O R D E R

The petitioner has come up with this writ petition challenging the order of suspension, dated 13.08.2014 passed by the 4th respondent and for a direction to pay salary for the period from 15.06.2012 to 31.07.2014 as well as subsistence allowance from the date of suspension.

2. It is now stated that charge memo was issued and enquiry was also completed. A second show cause notice was issued asking the petitioner to give his explanation on the findings of the Enquiry Officer. It is stated that the petitioner sought time to submit his explanation. However, no final order is passed so far.

3. As far as the claim regarding salary prior to suspension from 15.06.2012 to 31.07.2014 is concerned, according to the petitioner, he worked during those days. But the same is disputed by the learned Special Government Pleader stating that he was unauthorisedly absent on those days. Hence, the petitioner is at liberty to work out his remedy claiming wages for the above said period before the appropriate forum, including revision under Section 153 of Tamil Nadu Cooperative Societies Act.

4. In the facts and circumstances, I am not inclined to quash the order of suspension, dated 13.08.2014. However, a direction is issued to the 4th respondent to pay subsistence allowance to the petitioner on or before 10th day of every month commencing from August 2015 till passing of final order. A further direction is issued to pay the arrears of subsistence allowance to the petitioner from 13.08.2014, if not already paid, within a period of four weeks from the date of receipt of a copy of this order. The 4th respondent is at liberty to pass final order in accordance with law.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

- 1.The Secretary,
The State of Tamilnadu,
Department of Co-operative Societies,
St.George Fort, Chennai.
- 2.Joint Registrar of Co-operative Societies,
Kancheepuram District, Kancheepuram.
- 3.Deputy Registrar of Co-operative Societies,
Maduranthagam, Kancheepuram District.
- 4.The President,
100 Karunguzhi Primary Agriculture Co-operative Society,
Madurandagam Taluk, Kancheepuram District.

+1cc to Mr.R. Veeramani, Advocate, S.R.No.37171
+1cc to Mr.L.P. Shanmugasundaram, Advocate, S.R.No.37331
+1cc to the Government Pleader, S.R.No.37440

RJ(CO)
EU(12/08/2015)

W.P.No.20033 of 2015



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