

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.03.2015

Coram

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.30704 of 2013

and

M.P.Nos.1 and 2 of 2013

V.Rajendran

.. Petitioner

vs.

1.The Registrar to Co-operative Society,
No.170, Petiyar E.V.R.Highways,
Kilpauk, Chennai-10

2.The Office of Co-operative Societies
to Deputy Registrar,
Ana Nagar, (Old RTO Office),
Chenglepet

3.The Special Officer,
G-2206 Perumalari Agricultural Co-operative
Credit Society, Mamallapuram

4.The President,
G-2206 Perumalari Agricultural Co-operative
Credit Society, Mamallapuram.

5.The Secretary,
G-2206 Perumalari Agricultural Co-operative
Credit Society, Mamallapuram

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records of the suspension order of resolution No.11, dated 30.3.2013 issued by the third respondent and quash the same and consequently direct the respondents to reinstate the petitioner in service, continuity of service with full backwages and all other attendant benefits.

For Petitioner
For respondents

: Mr.R.Jaikumar
: Ms.T.P.Saritha for R1 and R2
Mr.T.M.Hariharan for R4 and R5

ORDER

The petitioner was appointed as a Clerk on temporary basis by the Management of Perumalari Agricultural Co-operative Credit Society. The petitioner met with an accident on 28.1.2003. He submitted an application for leave on 1.2.2013 and 28.3.2013 along with medical certificates. He made another application on 2.5.2013. In the meantime, the fifth respondent issued a suspension order on 12.06.2013, anti dating it as 30.03.2013. The said suspension order is under challenge in this writ petition.

2. Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondents.

3. The second respondent has already directed the Management of the Society to consider the case of the petitioner and review the suspension. However, there was no follow up action taken by respondents 4 and 5. The petitioner therefore challenges the order of suspension.

4. There is no dispute that the third respondent has suspended the petitioner, vide order dated 30.03.2013. There is nothing on record to show that the suspension order was reviewed by respondents 4 and 5.

5. The Supreme Court in AJAY KUMAR CHOUDHARY VS. UNION OF INDIA THROUGH ITS SECRETARY AND ANOTHER 2015(2) SCALE 432 observed that no employee should be placed under suspension for more than a period of three months.

6. In the subject case, not even a single attempt was taken by the third respondent to review the matter. I am therefore of the view that the third respondent was not correct in keeping the petitioner under pro longed suspension.

7. In the result, the order dated 30.03.2013 is set aside. Respondents 3 to 5 are directed to permit the petitioner to join duty forthwith, on production of a copy of this order.

8. The writ petition is allowed to the extent indicated above. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

1.The Registrar to Co-operative Society,
No.170, Petiyar E.V.R.Highways,
Kilpauk, Chennai-10

2.The Office of Co-operative Societies
to Deputy Registrar,
Anna Nagar, (Old RTO Office),
Chenglepet

3.The Special Officer,
G-2206 Perumalari Agricultural Co-operative
Credit Society, Mamallapuram

4.The President,
G-2206 Perumalari Agricultural Co-operative
Credit Society, Mamallapuram.

1 cc to Mr.T.M.Hariharan ,Advocate, SR.No.12656

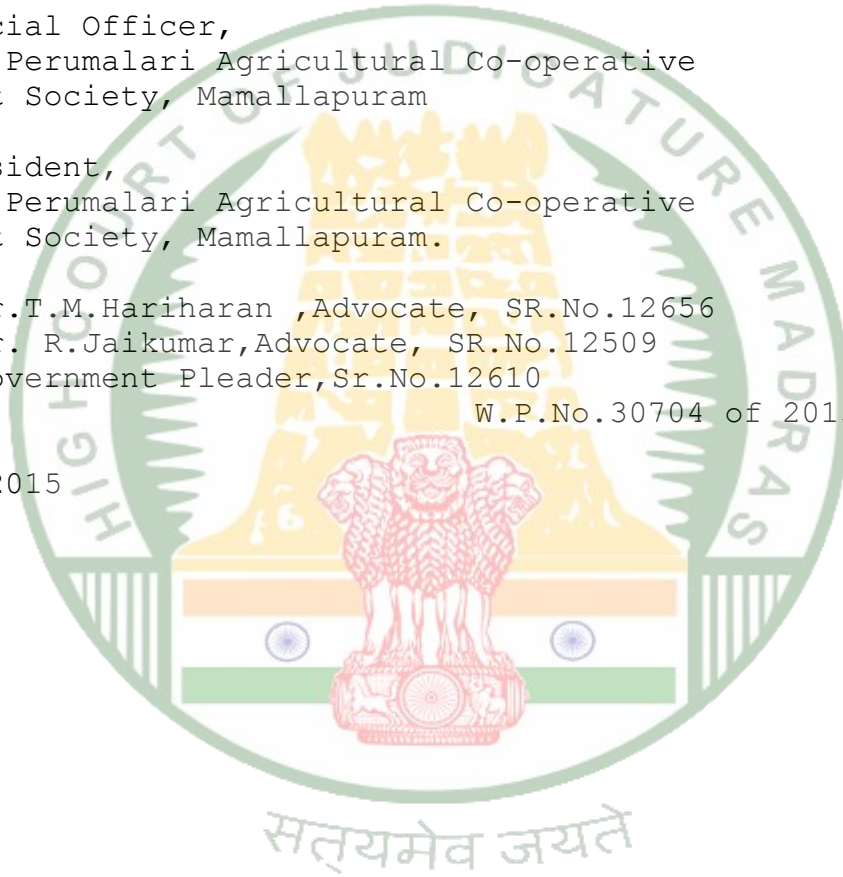
1 cc to Mr. R.Jaikumar,Advocate, SR.No.12509

1 cc to Government Pleader,Sr.No.12610

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mp(co)

pmk.31.3.2015



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