

In the High Court of Judicature at Madras

Dated: 10.09.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28434 of 2015

K.Shabina

.... PETITIONER

Vs

1. The Registrar of Co-operative Societies,
Poonamalee High Road, Chennai.
- 2 The Joint Registrar of Co-operative Societies,
Krishnagiri, Krishnagiri District.
- 3 The Deputy Registrar of Co-operative Societies,
Krishnagiri, Krishnagiri District.
- 4 The Chairman
K.K.117, Malaiyandahalli Agricultural
Co-operative Societies,
Malayandahalli,
Krishnagiri, Krishnagiri District.

.... RESPONDENTS

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 27.08.2015 to reinstate her in the post of sale woman in K.K.117 Malayandahalli Co-operative Societies, Malaiyandahalli, Krishnagiri, Krishnagiri District.

For Petitioner : Mr.E.Kannadasan

For Respondents: Mr.L.P.Shanmugasundaram, Spl.G.P.

ORDER

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner, while working as a sales personnel in the Malayandahalli Fair Price Shop, a case was registered against her along with other accused for the commission of offence under Section 6(4) of TNSC (RDCS) Order 1982 read with 7(1)a(ii) of EC Act, 1955 in

Crime No.70 of 2015 and was arrested on 08.04.2015. On the next day, i.e, on 09.04.2015, she was placed under deemed suspension by the fourth respondent. The petitioner has submitted a representation dated 27.8.2015 praying for reviewing/revoking the order of suspension. Since no orders have been passed, she came forward to file this Writ Petition.

3. Mr.E.Kannadasan, learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated and she is nothing to do with the alleged commission of offence and in similar facts and circumstances, this Court has disposed of the Writ Petition in W.P.No.19468 of 2015 on 01.07.2015 and prays for appropriate orders.

4. Per contra, Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader, who accepts notice on behalf of the respondents would contend that admittedly the petitioner was arrested on 08.04.2015 and since her period of incarceration exceeded 48 hours, she was placed under deemed suspension by the fourth respondent, which was approved by the third respondent and unless and until the suspension is reviewed by the competent authority, the petitioner, as a matter of right, cannot pray for revocation of the order of suspension. He would further add that the investigation is still pending and only taking into consideration the public interest, the suspension of the petitioner is being continued and prays for dismissal of the Writ Petition.

5. This Court has considered the rival submissions and also perused the materials placed before this Court.

6. The petitioner was arrested on 08.04.2015 in connection with the above-said criminal case and she came out on bail about one week thereafter and in the light of the fact that the custody exceeded the period of 48 hours, she was placed under deemed suspension. Though it is submitted by the learned counsel appearing for the petitioner that the petitioner has been falsely implicated and she is nothing to do with the alleged commission of offence, this Court cannot express any opinion on the said submission, as the investigation in the criminal case registered against her is still pending.

7. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the fourth respondent to consider the representation of the petitioner dated 27.8.2015 for reviewing/revocation of the order of suspension and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

sl

To

1. The Registrar of Co-operative Societies,
Poonamalee High Road, Chennai.
- 2 The Joint Registrar of Co-operative Societies,
Krishnagiri, Krishnagiri District.
- 3 The Deputy Registrar of Co-operative Societies,
Krishnagiri, Krishnagiri District.
- 4 The Chairman
K.K.117, Malaiyandahalli Agricultural
Co-operative Societies,
Malayandahalli,
Krishnagiri, Krishnagiri District.

+1 cc to Mr.L.P.Shanmugasundaram, Advocate, sr.49345
+1 cc to Mr.E.Kannadasan, Advocate, sr.49410
+1 cc to Government Pleader, sr.49861

Writ Petition No.28434 of 2015

ak co
kra 23/09

सत्यमेव जयते

WEB COPY