

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32700 of 2015

and

M.P.Nos.1 to 3 of 2015

R.Mathivanan

.. Petitioner

vs

The General Manager
Vellore - Thiruvannamalai District
Cooperative Milk Producers'
Union Ltd.,
Sathuvachari
Vellore 9

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings Ref.No.8271/P & A.1./2015, dated 30.9.2015, and quashing the same and consequently, directing the respondent to disburse the subsistence allowance to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Bala Ramesh
Additional Government Pleader

ORDER

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

2.The petitioner would state that he joined the services of Vellore - Thiruvannamalai District Cooperative Milk Producers' Union Limited, Sathuvachari, Vellore, as an Extension Assistant in the year 1987, and got his promotion as Manager (Milk Procurement), but was asked to discharge the duties as Manager (Accounts). He would further state that he was placed under suspension on 14.6.2014, by the respondent, alleging that he has failed to verify the monthly accounts relating to the Marketing Wing sale proceeds account, to the tune of Rs.54 lakhs for the period from June, 2013, to October, 2013, and

subsequently, his suspension order was revoked on 16.10.2014.

3.It is further stated by the petitioner that criminal prosecution was also launched by CCIW-CID, Vellore, against him and he was arrested on 6.6.2015, and remanded to judicial custody and since the period of incarceration exceeded 48 hours, he was placed under suspension and since he has reached the age of superannuation on 30.9.2015, an order was also passed not permitting him to retire from service, and challenging the legality of the same, the present writ petition is filed.

4.The learned Counsel appearing for the petitioner, would submit that in the absence of any specific provision either in the Cooperative Societies Act, or in the Rules framed thereunder, or in the Bylaws of the Society, the respondent cannot pass any order not permitting the petitioner to retire from service and prays for appropriate orders.

5.Per contra, Mr.R.Bala Ramesh, learned Additional Government Pleader, who accepted notice on behalf of the respondent, would submit that the allegations are very serious in nature and taking into consideration the overall facts and circumstances, the impugned order came to be passed.

6.This Court has carefully considered the rival submissions and also perused the materials placed before it.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits him to submit a representation praying for revocation of the order of suspension and permitting him to retire from service, within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider it on merits and in accordance with law and pass orders thereon within a period of eight weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CSIV)

True Copy

Sub-Assistant Registrar

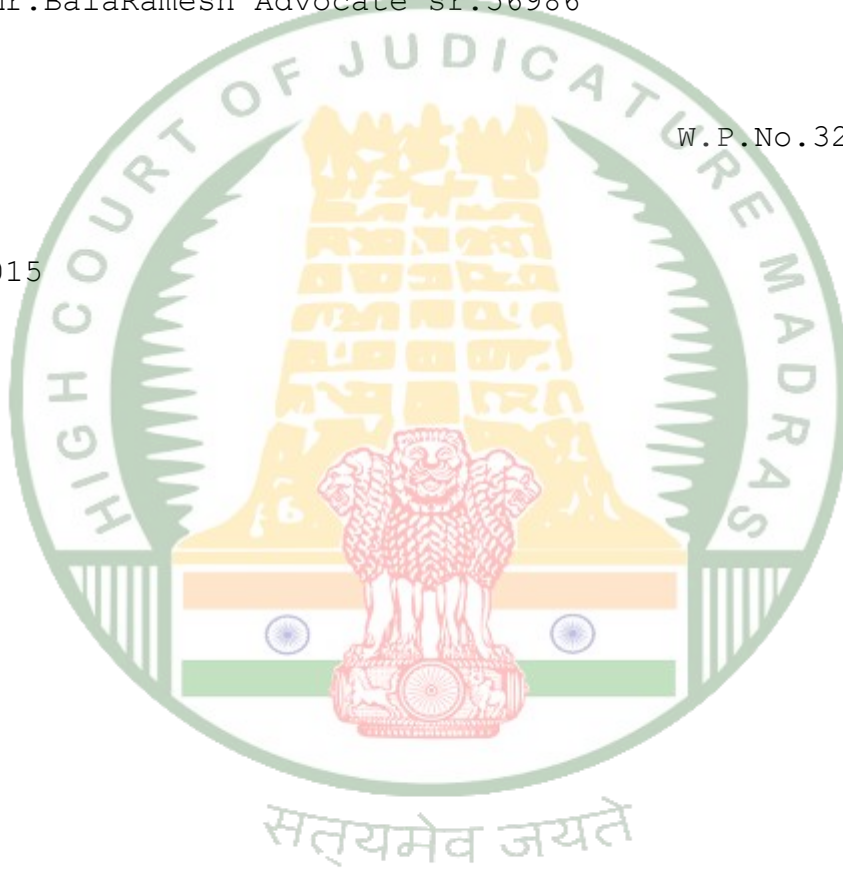
To:

The General Manager
Vellore - Thiruvannamalai District
Cooperative Milk Producers'
Union Ltd.,
Sathuvachari
Vellore 9

+1 cc to Mr.C.Prakasam Advocate sr.56443
+1 cc to Mr.BalaRamesh Advocate sr.56986

W.P.No.32700 of 2015

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